

ORDINANCE NO. 2379

AN ORDINANCE OF THE CITY OF CHULA VISTA REGULATING THE
DISPLAY OF SEXUALLY EXPLICIT MATERIAL

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Section 19.04.205.1 is hereby added to the Chula Vista Municipal Code to read as follows:

Sec. 19.04.205.1 Sexually Explicit Material.

"Sexually Explicit Material" means any book, magazine, periodical, pamphlet, display or other printed matter or photograph which contain on the front or back cover visual representations or depictions of specified sexual activities or specified anatomical areas (as same are defined by Sections 19.04.271 and 19.04.270, respectively).

SECTION II: That Title 9 of the Chula Vista Municipal Code is hereby amended by adding a new Chapter 9.22 to read as follows:

CHAPTER 9.22 REGULATION OF SEXUALLY EXPLICIT MATERIAL.

Sec. 9.22.010 Regulation of Sexually Explicit Material.

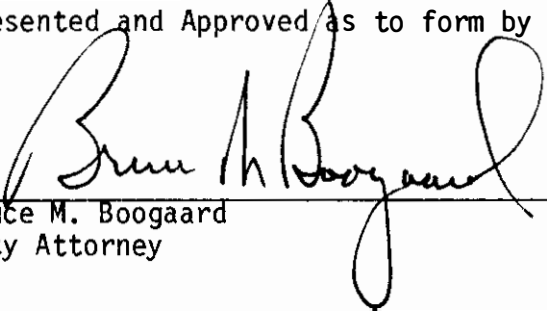
It is unlawful for any person to display, for any commercial purpose including, but not limited to, sale, any sexually explicit material unless any one of the following conditions exist:

- A. The display of the sexually explicit material occurs within an "adult-oriented recreation business" as defined by Section 9.58.024.
- B. The sexually explicit material is displayed in an area of the commercial establishment that is clearly segregated by opaque physical barriers in such a manner that invitees to the commercial establishment could not view the sexually explicit material except by entry into the physically segregated area, and the physically segregated area is clearly marked and identified on the exterior portions of the opaque physical barriers containing same with the message that the interior portions of said area contain sexually explicit materials.

- C. The portions of the sexually explicit material which depict or represent the specified sexual activity or specified anatomical areas are securely covered with an opaque material in such a manner that an unconsenting member of the public cannot view same in a haphazard or accidental manner, but only by the deliberate manipulation of said opaque material.

SECTION III: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

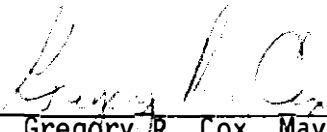
Presented and Approved as to form by



Bruce M. Boogaard
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 17th day of July, 1990, by the following vote:

AYES: Councilmembers: Malcolm, McCandliss, Moore
NOES: Councilmembers: None
ABSENT: Councilmembers: Nader, Cox
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:

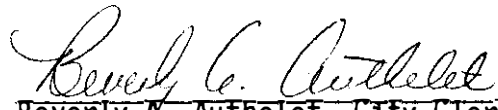


Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2379 had its first reading on July 10, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 17th day of July, 1990.

Executed this 17th day of July, 1990.



Beverly A. Authalet, City Clerk