

CITY OF HAWAIIAN GARDENS

ORDINANCE NO. 390

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTERS 18.04 (DEFINITIONS) AND 18.46 (ADULT BUSINESS STANDARDS) OF THE HAWAIIAN GARDENS MUNICIPAL CODE CLARIFY AND TO ADD USES PERMITTED WITH A CONDITIONAL USE PERMIT.

WHEREAS, the City Council desires to clarify and redress uses classified as "Adult Businesses" in the Hawaiian Gardens Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. The City Council HEREBY AMENDS Section 18.04.015 by DELETING the entire definition of Adult Businesses.

Section 2. The City Council HEREBY AMENDS Section 18.46.010 as follows:

"18.46.010 USES PERMITTED WITH A CONDITIONAL USE PERMIT.

Adult Businesses may be conditionally permitted in the C-4 or M-1 District, subject to the requirement of a conditional use permit for each development. The procedure governing the issuance of all use permits for such development shall be governed by the provisions of this Chapter and Chapter 18.32.

The following uses and all others determined to be similar to these uses pursuant to this Title are permitted subject to securing a conditional use permit in accordance with the standards and procedures set out in Chapter 18.42 of this Title and Chapter 9.66 of Title 9:

- A. Adult Book Store - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and periodicals which are distinguished by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this subsection, or an establishment which devotes five (5) percent or more of its retail floor space to the sale or display of such material.
- B. Adult Mini-Motion Picture Theatre - an enclosed or unenclosed building or structure have a capacity of fifty (50) persons or less which is used for presentations of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or to "specified anatomical areas" as defined in this subsection, for observation by patrons therein.

390

- C. Adult Motion Picture Theatre - an enclosed or unenclosed building or structure having a capacity of fifty (50) or more persons, used more than ten (10) percent of the time for presentation of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or to "specified anatomical areas" as defined in this subsection for observation by patrons therein.
- D. Body Wrap - any person, business, or establishment which provides the service of wrapping the human body, with natural or synthetic material, or a combination thereof, with, or without, the presence of plant and/or herb extracts, for the purpose of weight loss, skin improvement, comfort, or relaxation.
- E. Escort Service - any person who, for hire or reward, accompanies others to or about social affairs, entertainment or places of amusement. Any person who, for hire or reward, consorts with others about any place of public resort or within any private quarters.
- F. Massage Parlor - a place where parts of the human body are treated by means of massage, including, but not limited to, acupressure.
- G. Model Studio - any premises on which there is conducted the business of furnishing figure models who pose for the purpose of being observed or viewed by any person, or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee or other consideration or compensation, or a gratuity, for the right of opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition of remaining upon the premises.

Any premises where there is conducted the business of furnishing or providing or procuring for a fee or other consideration or compensation or gratuity, figure models to be observed or viewed by any person or to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

The words "model studio" do not include:

Any studio which is operated by any state college, or public junior college or school wherein the persons, firm, association, partnership or corporation operating it has met the requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma.

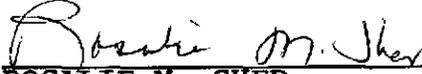
- H. Tanning Salon - any business, or establishment, which provided devices, including, but not limited to, any device that emits ultraviolet radiation, for use by its members, or the public, for the purpose of tanning the human body. Excluded from this definition are any

devices provided by a person, business, or establishment, which holds a valid license issued pursuant to California Business and Professions Code, Division 2.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of this City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrases, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. This ordinance shall take effect thirty days after its adoption. The City Clerk or her duly appointed deputy shall certify to the adoption of this ordinance and shall cause this ordinance to be published as required by law.

PASSED, APPROVED, AND ADOPTED this 11th day of February, 1992, by the City Council of the City of Hawaiian Gardens.


ROSALIE M. SHER
MAYOR
CITY OF HAWAIIAN GARDENS

ATTEST:


CAROL J. DORFMEYER
CITY CLERK
CITY OF HAWAIIAN GARDENS

I, Evelyn Thissell, Deputy City Clerk, of the City of Hawaiian Gardens do hereby certify that Ordinance No. 390 was duly introduced and placed upon first reading at a regular meeting of the City Council on the 28th day of January, 1992, and that thereafter, said Ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the 11th day of February, 1992, by the following roll call vote as the same appears on file and of record in the office of the City Clerk.

AYES: Wagner, Ruggeri, Navejas, Flores, Sher
NOES: None
ABSENT: None
ABSTAIN: None


EVELYN THISSELL
DEPUTY CITY CLERK
CITY OF HAWAIIAN GARDENS

CPH:rf

QA:DOC\ORD18.04

X ORDINANCE NO. 390/AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTERS 18.04 (DEFINITIONS) AND 18.46 (ADULT BUSINESS STANDARDS) OF THE HAWAIIAN GARDENS MUNICIPAL CODE TO CLARIFY AND ADD USES PERMITTED WITH A CONDITIONAL USE PERMIT.

City Administrator Oliva advised that City Council has taken action to introduce Ordinance No. 390. This ordinance is now before the City Council for final adoption.

It was moved by Councilmember Wagner, seconded by Mayor Pro tem Flores, and unanimously carried by the following roll call vote, to waive further reading and adopt Ordinance No. 390.

AYES: Wagner, Ruggeri, Navejas, Flores, Sher
NOES: None
ABSENT: None
ABSTAIN: None

PROOF OF PUBLICATION
(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,

I am a citizen of the United States States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a legal newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Feb. 24,
All in the year 1992.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this 24th day of February, 1992.


Signature

Press-Telegram Legal
Advertising Department

604 Pine Ave., Long Beach, Ca., 90844
(310) 499-1236

PROOF OF PUBLICATION OF

City of Hawaiian Gardens
ORDINANCE NO. 390

**CITY OF HAWAIIAN GARDENS
ORDINANCE NO. 390**

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- E. Escort Service - any person who, for hire or reward, accompanies others to or about social affairs, entertainment or places of amusement. Any person who, for hire or reward, consorts with others about any place of public resort or within any private quarters.
- F. Massage Parlor - a place where parts of the human body are treated by means of massage, including, but not limited to acupressure.

B 408.48

G. Model Studio - any premises on which there is conducted the business of furnishing figure models who pose for the purpose of being observed or viewed by any person, or of being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted for persons who pay a fee or other consideration or compensation, or a gratuity, for the right of opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition of remaining upon the premises.

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Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of this City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrases, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. This ordinance shall take effect thirty days after its adoption. The City Clerk or her duly appointed deputy shall certify to the adoption of this ordinance and shall cause this ordinance to be published as required by law.

PASSED, APPROVED, AND ADOPTED this 11th day of February, 1992, by the City Council of the City of Hawaiian Gardens.

ATTEST: **ROSALIE M. SHER**
MAYOR,
CITY OF HAWAIIAN GARDENS

CAROL J. DORFMEYER
CITY CLERK
CITY OF HAWAIIAN GARDENS

I, Evelyn Thisell, Deputy City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance NO. 390 was duly introduced and placed upon first reading at a regular meeting of the City Council on the 26th day of January 1992, and that thereafter, said Ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the 11th day of February, 1992, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Wagner, Ruggieri, Navejas, Flores, Sher

NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

EVELYN THISSELL
DEPUTY CITY CLERK
CITY OF HAWAIIAN GARDENS