

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, SEPTEMBER 26, 2000**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 26, 2000 commencing at 7:05 a.m.

A. ROLL CALL

Present: Council Members – Hitchcock (left at 8:35 a.m.), Land, Nakanishi (arrived at 7:06 a.m.), Pennino and Mayor Mann

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays and City Clerk Blackston

B. CITY COUNCIL CALENDAR UPDATE

Review of the Mayor's and Council Member's Weekly Calendar (filed) was waived.

C. TOPIC(S)

1. "News Year's Celebration"

Cynthia Haynes, Administrative Assistant to the City Manager, reported that last year the Year 2000 Committee organized the Millennium Kids' Night Out event. It was a free family event with more than 4,000 people in attendance. Ms. Haynes stated that the Downtown Lodi Business Partnership (DLBP) will ask area merchants to participate in the event this year.

Dorean Rice introduced Steve Whyte of WhyteHouse Productions. Mr. Whyte submitted a map layout (filed) of the upcoming New Year's Celebration and noted that he had previously submitted a business plan to the Council. He reported that a larger event is planned this year. It is anticipated that additional money will be raised from local businesses so that more children's activities can be included. Local food retailers will be encouraged to stay open during the event.

Council Member Land expressed his support of the event, and hope that it becomes an annual tradition.

Council Member Pennino stated that he did not want the event continually funded out of the contingency fund.

Deputy City Manager Keeter explained that the event is budgeted under community promotions.

2. "Adult-Oriented Business Regulation Ordinance"

City Attorney Hays reported that in 1992, Lodi's first regulation of adult-oriented businesses established locational criteria. With the aid of overheads, he reviewed each article of the proposed ordinance.

Council Member Pennino stated that he supports the regulations; however, he also supports the first amendment and questioned whether the proposed ordinance would, in effect, completely eliminate the opportunity for these types of businesses to exist in the community.

Mr. Hays emphasized that the proposed regulations would not prevent adult-oriented businesses from existing in Lodi. He added that the ordinance is similar to others throughout the state that have withstood court challenges.

In response to Mayor Mann, Mr. Hays indicated that the regulations may increase operational costs to businesses because there will be fees associated with the application process for licensing. Mr. Hays stated that he will recommend the ordinance not take effect until 2001 to allow adequate time for the Police Department to brief themselves on the application process, prepare forms, and develop associated fees.

In reply to Mayor Pro Tempore Nakanishi, Community Development Director Bartlam confirmed that there are currently two adult-oriented businesses operating in Lodi.

PUBLIC COMMENTS:

- a) Timothy Kruppe, 122 W. Oak Street, Lodi, stated that he represents the businesses of Adult Pleasure World and The Intimates. He remarked that he has been in business for nine years and has always tried to run clean establishments, and regulates them himself. He emphasized that there is no contact between customers and dancers. He objected to government attempting to regulate morals and values and asserted that the proposed ordinance infringes on freedom.

Council Member Pennino explained that he supports the ordinance because he does not want future adult-oriented businesses coming to Lodi. He stated that the Council was elected to uphold certain values for the community. He surmised that the majority of Mr. Kruppe's patrons are probably coming from outside the community.

In response to Council Member Land, Mr. Kruppe reiterated that there is no contact between his employees and the customers. He ensures this by personally escorting employees to their vehicles. He also has individuals try to proposition his employees, and if they succeed, the employees are immediately fired.

Council Member Land stated that he did not believe these types of businesses are needed in Lodi. He supported the regulations, stating that they are necessary to ensure that businesses are legitimate.

In reply to Council Member Hitchcock, Mr. Kruppe agreed that a high proliferation of adult businesses may have a negative impact on a community. Referencing specific sections of the ordinance, Mr. Kruppe objected to the requirement for background checks and employee licenses. He felt that privacy should be allowed in the video and fantasy booths.

Mayor Pro Tempore Nakanishi stated that he did not believe adult-oriented businesses were beneficial to the City, families, or children. He commented that the citizens of the community do not want expansion of these businesses.

In response to Council Member Land, Mr. Bartlam reported that Mr. Kruppe's businesses have been in violation of the current ordinance and his Department must routinely check to ensure that he stays within the parameters under which his businesses were approved.

Mr. Kruppe countered that the Community Development Department had approved his building permit, and then later, following one complaint, said that he was in violation of requirements related to doors and walls on booths.

Mayor Mann emphasized that this matter is not a personal issue against Mr. Kruppe. He stated that Council Members are elected to reflect the wishes and values of the community and have a duty to reflect through ordinances, what the citizens want to have regulated and enforced.

Mr. Kruppe argued that he is, in fact, taking it personally because it is affecting his livelihood and excessive regulations may force him out of business.

- b) Harold Hensley, 835 W. Harney Lane, Apt. 117, Lodi, introduced himself as Timothy Kruppe's stepfather. He explained that he chose not to run for City Council Member this year because shortly after he picked up nomination papers he was contacted by The Record. He suggested that his phone number had been released prematurely or that he had been followed. He alleged that a Council Member's brother-in-law had been kicked out of one of his son's businesses for inappropriate activities, and that one member on the City Council has frequented the establishments. In addition, Mr. Hensley complained of police harassment and, as evidence, submitted photos to the Council (filed). He declared that this matter is a civil rights issue, and asserted that church and state should be separated.

Council Member Hitchcock announced that she will visit the businesses before the next regular City Council meeting, so that she can make a fair assessment prior to voting on the issue.

NOTE: Ms. Hitchcock left the meeting at 8:35 a.m.

- c) Ken Owen, Director of Christian Community Concerns, commended City Attorney Hays for drafting the ordinance and stated that in his opinion it protects everyone's rights. He recounted the background related to this issue noting that in 1988 he launched an anti-pornography campaign; in 1990 Mr. Kruppe opened Adult Pleasure World; and in 1992 the City adopted an ordinance regulating adult business locations. Mr. Owen averred that pornography is progressive and addictive. He reported that it has been established that pornography is involved in almost every case of rape. Mr. Owen stated that it is in the best interest of the community to regulate these types of businesses as strongly as possible.
- d) Steven Jarrett, 2681 Douglas Fir Drive, Lodi, stated that he is the pastor of New Hope Community Church. He thanked the Council for being true representatives of the values of Lodi. On behalf of the Christian community, he expressed support for the ordinance and urged the Council to move forward expediently.

3. "2000 Conflict of Interest Code Local Agency Biennial Notice (Government Code §87306.5)"

City Attorney Hays explained that the 2000 Local Agency Biennial Notices (filed) are being provided to the Council for informational purposes to meet notification requirements.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at approximately 8:43 a.m.

ATTEST:

Susan J. Blackston
City Clerk

Mayor's & Council Member's Weekly Calendar

WEEK OF SEPTEMBER 26, 2000

Tuesday, September 26, 2000

7:00 a.m. Shirtsleeve Session. The topic(s) is:
1. New Year's Celebration
2. Adult-Oriented Business Regulation Ordinance
3. 2000 Conflict of Interest Code Local Agency Biennial Notice (Government Code §87306.5)

Reminder: Please bring your calendars to review with staff.

7:00 a.m. Special Council meeting. The topic(s) is:
1. Actual Litigation – Government Code §54956.9(a) *Albert Thurman v. City of Lodi* California Public Employees' Retirement System, Case No. 2850

Wednesday, September 27, 2000

Reminder Hitchcock and Nakanishi. NCPA Annual Conference, Monterey, 9/27 – 9/29.

Thursday, September 28, 2000

Reminder Hitchcock and Nakanishi. NCPA Annual Conference, Monterey, 9/27 – 9/29.

4:00 – 8:00 p.m. Farewell reception for Joelle Gomez, Executive Director of the Women's Center of SJ Co., Waterfront Warehouse, Stockton.

Friday, September 29, 2000

Reminder Hitchcock and Nakanishi. NCPA Annual Conference, Monterey, 9/27 – 9/29.

11:30 – 2:30 p.m. Land and Pennino. EBMUD Annual Pardee Barbecue, McLean Hall, Pardee Center.

Saturday, September 30, 2000

6:00 p.m. Mann. Appreciation dinner for Dr. Floyd Zastrow, Woodbridge Country Club.

Sunday, October 1, 2000

Reminder Street Faire.

Monday, October 2, 2000

Disclaimer: This calendar contains only information that was provided to the City Clerk's office

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LODI



Kids New Year Night

Background of Event

Business Plan & Budget Proposal

Background of the Event

Year 2000 Committee

In 1998 the Mayor and Council Members of the City of Lodi appointed several local residents to serve on the "Year 2000" Committee. The purpose of the committee was multi faceted and existed approximately one and one half years.

One of the responsibilities of the committee was to design and produce a special event to celebrate the coming of the year 2000. Committee members Alice Reimche and Dorean Rice chaired the event. The Mayor and City Council stipulated several criteria for this event. The event must...

1. be designed for kids
2. be free to those who attend
3. be FUN
4. reflect positively on the City of Lodi and Lodi residents
5. be a celebration of good will

Millennium Kids Night Out 1999

Review

The first year event was called "Millennium Kids Night Out". It was designed and produced in cooperation between the City of Lodi, the Year 2000 Committee and WhyteHouse Productions of Lodi.

The event focused on kids rides, bounces, and activities and a beautiful fireworks display at the end of the evening.

Kids were treated to hot chocolate and little toys that were purchased with event funds and many donated by local businesses.

Marketing & Advertising

The Year 2000 committee partnered with Lodi Unified School District and Lodi Electric Utility to publicize the event. Lodi Electric Utility paid to print flyers and Lodi Unified printed and distributed the flyers to each student in the school district.

Display advertising was purchased in the Lodi News Sentinel and the paper donated one ad for each ad purchased. Editorial was obtained in The Record, Lodi News Sentinel, Sacramento Bee and Modesto Bee.

Posters were printed by the City of Lodi and posted in the downtown Lodi business district.

Planning

The planning of the event occurred in the following manner...

1. Dorean Rice and WhyteHouse Productions – design, logistics, production
2. City of Lodi department leaders – took on rolls related to their job responsibilities. It should be noted that the department leaders with the City of Lodi were extraordinarily accommodating.
3. Alice Reimche, with the City of Lodi, was the liaison between the city and the event. She facilitated work the event required of city departments.
4. Cynthia Haynes, with the City of Lodi, was the liaison between the Downtown Merchants and the event. She met with Downtown Lodi Business Partnership director Lew Van Buskirk several times to keep him apprised of event plans and to encourage the DLBP members to participate in the event. A meeting was held by Cynthia Haynes and Steve Whyte with the purpose to directly inform the downtown merchants of the event's plans.

First Year Financials

The Millennium Kids Night Out was kept within budget. The city of Lodi funded the event with a \$15,000 donation. An additional \$2,050 was raised by Dorean Rice from several local businesses.

The two major expenses of the event were for the kids rides, bounces and games and the fireworks display.

Below is the final financial outcome of the event for 1999.

DESCRIPTION	Budget	Actual	Description
INCOME			
Admission	\$0.00		
Beverage	\$0.00		
Booth Sales & Vendor Income	\$0.00		
Utilities	\$0.00		
City of Lodi - Sponsor	\$15,000.00		
		\$7,500.00	First payment to WHP
		\$7,500.00	Second payment to WHP
Licenses	\$0.00		
Merchandise Sales	\$0.00		
Miscellaneous Sales	\$0.00		
Activities	\$0.00		
Event Food Sales	\$0.00		
Other Sponsors	\$2,000.00		
		\$566.75	Paid from City of Lodi to WHP for additional sponsors
		\$550.00	Third payment to WHP - Paid from City of Lodi to WHP for additional sponsors
		\$933.25	Payment City made for Merchandise order
TOTAL INCOME	\$17,000.00	\$17,050.00	
EXPENSES			
Advertising Expense	\$400.00	\$738.00	Lodi New Sentinel

Beverage Expense	\$300.00	\$300.67 Costco purchase of Hot Chocolate & cups
Vendor Expense		
Children's Games & Rides	\$5,000.00	\$4,995.00 All activities - Paid to Fun & Games Rentals
Face Painters	\$300.00	\$285.00 Paid to Mom's at Work
Balloon Artists	\$300.00	\$300.00 Paid to In Any Event for balloon artists
Boom Boom Productions	\$5,400.00	\$5,400.00 Firework Show
Utilities Expense - On Site	\$0.00	
Sponsor Expense	\$0.00	
Merchandise Expense	\$1,000.00	\$933.25 Paid by the City of Lodi
Food Sales Expense		
Rental Expense - Port-o-lets	\$300.00	\$300.00 Rental cost
Entertainment Expense		
Stringin' Along	\$200.00	\$250.00 Strolling artists
Other	\$200.00	
Activities Expense - Handprint		
Parking & Shuttle Expense		
Event Food Sales Expense		
General Expense		
Site Expenses		
TOTAL EXPENSES	\$13,400.00	\$13,501.92 Total expenses less Management
Management Expense	\$3,600.00	\$2,614.83
Credit for Merchandise paid by City		\$933.25
Total Management Expense		\$3,548.08 Total earned by WhyteHouse Productions
TOTAL COST OF EVENT	\$17,000.00	\$17,050.00
Balance	\$0.00	\$0.00

Review

It was discussed within the Year 2000 committee that this event might attract approximately 1,500 people. Our best estimation is that close to 4,000 people attended the inaugural Lodi Kids Night Out.

From all indications, the Millennium Kids Night Out was well received by all that attended the event – children and adults alike.

- 1) The children's games and activities were fun, clean, safe and staffed by competent people.
- 2) There was lots to entertain the kids and to maintain their attention
- 3) The "Hand Print Proclamation" was a tremendous hit. A long line people developed early in the evening, waiting to take home a piece of history. Alice Reimche and Farmers & Merchants Bank are responsible to making this such a success.
- 4) The fireworks show exceeded virtually everyone's expectations. The company that produced the fireworks show is Boom Boom Productions, the

same company that produces the Oooh Ahhh Festival (July 4th) fireworks show. Their licensed pyrotechnician, Randy Lincmier, is a local Lodi resident.

- 5) The toys and hot chocolate passed out to the kids (adults had hot chocolate also) were a real treat. Many people seemed surprised that these were all part of the event and they were free.
- 6) The City of Lodi department employees were extremely helpful, which helped to make the event run smoothly.

Lodi Kids Night Out 2000

The Event

In light of the fact that the first Kids Night Out was so well received, it is the hope that the Lodi City Council and the City of Lodi will endorse and sponsor this great family event again in the year 2000.

Date and Time

This year's event will be held on December 31, 2000 from 4:00pm to 7:30pm.

The Purpose

The purpose and intent of the event shall remain the same as the one established by the Year 2000 Committee –

- 1) Design and produce an event that focuses on kids.
- 2) An event that is wholesome, safe and fun.
- 3) An event that is free to attend and that most of the activities are free.
- 4) An event that showcases the City of Lodi and the downtown business district.

Organization

Dorean Rice has offered her talent and time to be the driving force and inspiration behind this event.

A steering committee will be formed, comprised of members of Lodi's Rotary Club members. These people will control the direction of the event while seeking advice, comment and suggestions from the City of Lodi and residents.

WhyteHouse Productions, a Lodi special event production company will be hired to produce the event.

Financial Budget

The following is a proposed budget to the Lodi Kids Night Out 2000

DESCRIPTION	Budget	Actual	Description
INCOME			
Admission	\$0.00		Free to all ages
Beverage	\$0.00		No sales
Booth Sales & Vendor Income	\$1,000.00		10 vendors at \$100 each

Utilities	\$0.00	No sales
City of Lodi - Sponsorship	\$15,000.00	Sponsorship - same as 1999
Licenses	\$0.00	No licenses granted
Merchandise Sales	\$0.00	No sales
Miscellaneous Sales	\$0.00	No sales
Activities	\$0.00	No revenue from activities
Event Food Sales	\$0.00	No sales
Other Sponsors	\$5,000.00	Local businesses
TOTAL INCOME	\$21,000.00	Total Revenue
EXPENSES		
Advertising Expense	\$800.00	Display Advertising, flyers
Beverage Expense	\$347.00	Hot Chocolate
Vendor Expense	\$78.00	Health Department permit fee
Children's Games & Rides	\$6,200.00	Games, rides, activities
Face Painters	\$300.00	Free face painting for everyone
Balloon Artists	\$300.00	Free balloons for everyone
Clowns	\$300.00	Strolling clowns
Boom Boom Productions	\$5,500.00	Fireworks at end of evening
Utilities Expense - On Site	\$0.00	No expense anticipated
Sponsor Expense	\$0.00	No expense anticipated
Merchandise Expense	\$1,200.00	Free gifts for children
Food Sales Expense		No expense anticipated
Rental Expense - Port-o-lets	\$600.00	Increase port-o-lets from 1999
Entertainment Expense		
Strolling Group 1	\$300.00	Musicians
Strolling Group 2	\$300.00	Musicians
Activity Expense	\$525.00	Activity TBD
Parking & Shuttle Expense		
Event Food Sales Expense		
General Expense & Rentals		
Site Expenses - Trash	\$125.00	Trash containers and bags
Office Expense (postage, print, etc)	\$75.00	Miscellaneous office expense
Volunteer Donation - Clean up	\$550.00	Last Chance donation to clean site
TOTAL EXPENSES	\$17,500.00	Total Expenses
WhyteHouse Productions	\$3,500.00	Management Production Cost
TOTAL EVENT EXPENSES	\$21,000.00	
Balance	\$0.00	

The budget has been increased in several areas in order to accommodate the larger than anticipated crowd, to spread out the activities and to offer a little more than what was available in 1999.

Key Areas to Focus on for 2000

- 1) Better trash collection – add additional volunteers to empty trash receptacles and pick up trash on the ground.
- 2) Add more port-o-lets.

- 3) Allow more time to set up – establish road closure at 12:00 noon to allow the event to set up.
- 4) Spread out the event more – with the increased crowd size, more room is needed. The event will use more of School Street and the Multi Modal Depot than it did in 1999.
- 5) Add more activities to accommodate the anticipated numbers of children
- 6) Market the event to downtown merchants. Encourage the restaurants and coffeehouses to remain open during the event. Offer free space to them to sell food to the public attending the event.
- 7) Recruit a small handful of independent vendors to sell food and merchandise at the event.

Final Comments

This is a wonderful event that everyone in the City of Lodi can be proud of. Initially designed as a one time event to celebrate the coming of the new millennium, this event so impressed the people who attended, that it only makes sense to make this an annual event. What a great treat to the kids of Lodi.

The people who are interested in steering the future of this event will be superb custodians of the event, ensuring that the original intent is maintained and that the quality of the event remain at its highest level.

The City of Lodi is encouraged to participate as a sponsor again in the year 2000 as well as other companies in Lodi. Together, this event will be a shining example of what a great place the City of Lodi really is.

yellow 1-20-00
C-1

CHURCH ST

PINE ST.

BARRICADES (typ)

SCHOOL ST

SACRAMENTO ST

FW VIEWING

TRANSIT
DEPOT

FW VIEWING

ARCH

FIREWORKS DZ

TRAIN TRACKS

CLIENT	CITY OF LODI
EVENT	A KIDS NEW YEARS NIGHT
DATE DRAWN	09/20/00
EVENT DATE	12/31/2000
EVENT HOURS	4PM - 7:30PM
STREET CLOSURE	12PM - 9PM 12/31/00
LOAD IN	12PM - 4PM
LOAD OUT	7:30PM - 9PM
SUB-CONTRACTORS	
RENTAL EQUIP	TBA
GAAMES / RIDES	TBA
FIREWORKS	TBA
LIGHTING	TBA
TENTS	TBA
SAVANTATION	TBA
FILE	LODI NY103
WhyteHouse Productions	
PO Box 1238, Lodi, CA 95241 5228	
PHONE: 209-438-8878 FAX: 209-398-4878	
WWW.WHYTEHOUSEPRODUCTIONS.COM	

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CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adult Oriented Business Regulatory Ordinance

MEETING DATE: Shirtsleeve Meeting Held September 26, 2000 – 7:00 A.M.

PREPARED BY: City Attorney

RECOMMENDATION: That the City Council review the proposed Ordinance repealing and reenacting Chapter 5.40 relating to Adult Oriented Businesses.

BACKGROUND: The purpose of this memorandum is to provide a thumbnail sketch of the proposed Adult-Oriented Business Regulatory Ordinance that the City Council has scheduled for public hearing on October 4, 2000. The outcome of this activity which provides a focus on a particular type of business that does in fact exist in Lodi, is the generation of publicity for that business that far exceeds what they could purchase from the local media.

As previously indicated, the City first established regulations regarding Adult Businesses in 1992. At that time the City adopted locational criteria for such businesses. At the time that the City adopted its locational criteria, there were two theories that existed with regard to the location of adult businesses. One theory was that adult businesses should be concentrated. It was felt they could be more easily controlled and monitored that way. The second theory was that adult businesses should be disbursed so that whatever blighting affects they might have would not be increased by having them all in one spot. The regulations, which the City adopted, proceeded based upon a belief that the disbursal theory was one that would have a lesser impact on the community than gathering adult businesses in one particular location.

Since the City adopted its locational criteria, there has been an evolutionary situation which has resulted in regulations being developed. These regulatory procedures have evolved over time, being distilled through the court system to the point we find ourselves today. The court system at both the California Supreme Court level and the United States Supreme Court level has indicated that regulations which license and proscribe conduct relative to adult-oriented businesses are appropriate. What you have before you today is an ordinance which focuses on regulating the activities of those that own, operate and participate in adult-oriented businesses.

The proposed Chapter 5.40 is broken into eight articles.

The first article states the purpose and intent of the ordinance while restating the locational requirements that the City already has in place. It also initially sets out the need for the licenses that are described later in the ordinance. Article 2 provides the definitional underpinning to terms and phrases that are used throughout the ordinance and which are significant to the underlying regulations. Article 3 establishes the procedures to be followed and undertaken in order for the operator of an adult-oriented business to

APPROVED: _____
H. Dixon Flynn -- City Manager

acquire a license to operate such a business. This is a special license which is in addition to the regular business license that the City requires. Article 4 is the article which provides for the procedures to be followed by those who wish to be employees in an adult-oriented business. In order for them to be so employed, it is necessary under the ordinance to acquire an employee license from the City. Both the employer and the employee license is required to be applied for on an annual basis. Article 5 provides for the regulatory procedures to deal with the denial, suspension or revocation of either the business owner license or the employee license. All of the activities associated with Articles 3, 4 and 5 are administered by the Chief of Police. This particular administration procedure is very similar to the procedure that is in place for the licensing of massage parlors which is as well handled by the Chief of Police. This is a natural location for such administration since the licensing information is the basis for background checks to be done on owners and employees.

Article 6 from the standpoint of the operation of an adult-oriented business represents the operational criteria that such a business must follow in undertaking its operations. This article sets out all of the regulations to be followed for live and non-live activities that are viewed by the patrons of an adult-oriented business. Article 7 is a typical article setting forth the activities that can be undertaken by the City to enforce the provisions of the ordinance. Article 8 is an article which contains some specific provisions relative to the nature of the regulations as well as setting out the timeline for the filing of applications for licenses as well as the hours of operation of adult-oriented businesses.

It should be pointed out that this proposed ordinance is certainly not a creation of the mind of this City Attorney. The ordinance contains provisions which are found in other ordinances which have either been drafted based upon current law or in fact themselves withstood legal testing. This ordinance is therefore not a cutting edge ordinance and should not place the City in any significant legal jeopardy if challenged.

FUNDING: None

Respectfully submitted,



Randall A. Hays, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING AND REENACTING CHAPTER 5.40 OF THE LODI
MUNICIPAL CODE IN ITS ENTIRETY RELATING TO THE
REGULATION OF ADULT-ORIENTED BUSINESSES

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WHEREAS, the City Council finds that this Ordinance is enacted in order to mitigate the imminent threat posed to the public peace, health, safety and general welfare by Adult-Oriented Businesses. In this regard, the findings set forth in this Ordinance are incorporated herein by reference; and

WHEREAS, the City Council desires to ensure that City is not without adequate enforcement remedies to address violations of this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. PURPOSE AND FINDINGS.

- (1) **Purpose.** It is the purpose of this ordinance to regulate Adult-Oriented Businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Adult-Oriented Businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. In addition, it is not the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.

- (2) **Findings.** The city council of the city finds and declares that adult businesses, by their nature, generate certain secondary effects unless regulated. These include blight, downgrading of neighborhoods, lowering of property values, and a tendency to attract undesirable persons who may engage in certain types of criminal conduct. Experience in other cities has shown that where adult businesses are concentrated, neighborhoods deteriorate and the areas become less desirable places in which to work and live. To avoid these secondary effects, this chapter is intended to prevent concentrations of such uses in a single area, and to regulate to the extent permitted by law the manner in which adult businesses are conducted. (Ord. 1550 § 1(1), 1992)

SECTION 2. OBSCENE MATERIALS. It is not the intent of the City Council in enacting this ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits

the distribution of certain materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities within the City.

SECTION 3. APPLICATION OF LAWS. Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

SECTION 4. CONFLICTING ORDINANCES REPEALED All City ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. CLASSIFICATION. Adult-Oriented Businesses are classified as follows:

- (1) Adult Arcades;
- (2) Adult Bookstores, Adult Novelty Stores, or Adult Video Stores;
- (3) Adult Cabarets;
- (4) Adult Motels;
- (5) Adult Motion Picture Theaters;
- (6) Adult Theaters;
- (7) Nude Model Studios; and,
- (8) Sexual Encounter Centers.

CHAPTER 5.40

ADULT-ORIENTED BUSINESSES

ARTICLE 1 GENERAL PROVISION

- SECTION 5.40.010 Purpose and Intent
- SECTION 5.40.020 Location of Adult Businesses
- SECTION 5.40.030 Licenses Required

ARTICLE 2 DEFINITIONS

- SECTION 5.40.100 Definitions
- SECTION 5.40.105 Adult Arcade
- SECTION 5.40.110 Adult Bookstore, Adult Novelty Store or Adult Video Store
- SECTION 5.40.115 Adult Cabaret
- SECTION 5.40.120 Adult Motel
- SECTION 5.40.125 Adult Motion Picture Theater
- SECTION 5.40.130 Adult-Oriented Businesses
- SECTION 5.40.135 Adult Theater
- SECTION 5.40.140 Distinguished or Characterized by An Emphasis Upon
- SECTION 5.40.145 Employee
- SECTION 5.40.150 Establishment of An Adult-Oriented Business
- SECTION 5.40.155 Fabric
- SECTION 5.40.160 Hotel

- SECTION 5.40.165 Licensee
- SECTION 5.40.170 Motel
- SECTION 5.40.175 Nude Model Studio
- SECTION 5.40.180 Nudity or a State of Nudity
- SECTION 5.40.185 Person
- SECTION 5.40.190 Police Chief or Chief of Police
- SECTION 5.40.195 Semi-Nude or in a Semi-Nude Condition
- SECTION 5.40.200 Sexual Encounter Center
- SECTION 5.40.205 Specified Anatomical Areas
- SECTION 5.40.210 Specified Criminal Activity
- SECTION 5.40.215 Specified Sexual Activities
- SECTION 5.40.220 Transfer of Ownership or Control

ARTICLE 3 ADULT-ORIENTED BUSINESS LICENSES

- SECTION 5.40.300 Adult-Oriented Business License Required
- SECTION 5.40.305 Investigation and Action on Application for Adult-Oriented Business License
- SECTION 5.40.310 Transfer of Adult-Oriented Business Licenses

ARTICLE 4 ADULT-ORIENTED BUSINESS EMPLOYEE LICENSE

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ARTICLE 1

General Provisions

SECTION 5.40.010 PURPOSE AND INTENT. It is the intent of this Chapter to regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials and paraphernalia protected by the First Amendment, or deny access by the distributors, exhibitors, and performers of adult-oriented entertainment to their intended market. In addition, the provisions of this Chapter have neither the purpose nor effect of condoning or legitimizing the distribution of obscene material.

SECTION 5.40.020 LOCATION OF ADULT-ORIENTED BUSINESSES. From and after adoption of this chapter, no person shall establish, conduct or permit to be established or conducted any Adult-Oriented Business within one thousand feet of any church, school, playground, child care center or Adult-Oriented Business.

For the purposes of this section, the distance between uses shall be measured in a straight line without regard to intervening structures from the closest exterior wall of each business or use.

Adult-Oriented Businesses in existence on the effective date of this chapter are deemed nonconforming uses, which may continue subject to the provisions of Section 17.69.030.

SECTION 5.40.030 LICENSES REQUIRED

- (1) It is a violation of this Chapter for any person to engage in, conduct, or carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the operation of an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect a valid temporary or regular Adult-Oriented Business License issued by the Chief of Police pursuant to this Chapter.
- (2) It is a violation of this Chapter for any person who operates an Adult-Oriented Business to employ or permit a person to work for or at the Adult-Oriented Business who does not possess a valid temporary or regular Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter.
- (3) It is a violation of this Chapter for any person to obtain employment with or perform work for or at an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect a valid temporary or regular Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter. These provisions shall not apply to persons exclusively on the premises of the Adult-Oriented Business to render only repair or maintenance services or to deliver equipment or goods to the Adult-Oriented Business as long as such persons are not Nude, Semi-Nude, in a State of Nudity, or in a Semi-Nude Condition.
- (4) It is a violation of this Chapter for any person to engage in or participate in any live performance depicting Specified Anatomical Areas or involving Specified Sexual Activities in an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect a valid temporary or regular Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter.
- (5) It is a violation of this Chapter to locate an Adult-Oriented Business other than as required by this Chapter.

ARTICLE 2

DEFINITIONS

SECTION 5.40.100 DEFINITIONS. The definitions contained in this Article shall govern the construction of this Chapter.

SECTION 5.40.105 ADULT ARCADE means any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time,

and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

SECTION 5.40.110 ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one (1) or more of the following:

- (1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or,
- (2) instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with Specified Sexual Activities.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

- (1) The business devotes more than twenty-five percent (25%) of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas.
- (2) The business devotes more than twenty-five percent (25%) of the retail floor area to merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities and Specified Anatomical Areas.
- (3) The retail value of merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities and Specified Anatomical Areas exceeds twenty-five (25%) of the total retail value of inventory offered in each of the following categories: (a) books, (b) magazines, (c) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), for sale or rental, (d) novelties and devices, and (e) on-premises viewing of images, films, and or videos.
- (4) Gross revenue derived from merchandise in any category set forth in Paragraph 3 above exceeds (25%) of the total gross revenue for the category.

There is a rebuttable presumption that a business constitutes an Adult Bookstore, Adult Novelty Store or Adult Video Store where the business (1) offers or

advertises merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas as set forth in Paragraph 3 above and (2) fails to make revenue and inventory related business records available to the City upon reasonable advance notice.

SECTION 5.40.115 ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which, as a regular and substantial course of conduct, features:

- (1) persons who appear in a State of Nudity or Semi-Nudity Condition; or
- (2) live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or
- (3) films, motion pictures, video cassettes, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

- (1) The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the display or depiction of Specified Sexual Activities or Specified Anatomical Areas.
- (2) The proportion of the business' revenue that is attributable to performances or services that are distinguished or characterized by an emphasis upon the display or depiction of Specified Sexual Activities or Specified Anatomical Areas.

SECTION 5.40.120 ADULT MOTEL means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has any of the following characteristics:

- (1) a sign visible from the public right-of-way which advertises the availability of the above-described photographic reproductions; or
- (2) offers a sleeping room or rent for a period of time that is less than ten (10) hours; or
- (3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

SECTION 5.40.125 ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, for observation by five (5) or more patrons at any one time.

The phrase "regularly shown" shall be construed with reference to all relevant factors, including but not limited to the following:

- (1) The proportion of the theater's photographic reproductions that are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- (2) The number of photographic reproductions shown at the theater each month that are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

The proportion of the theater's revenue that is attributable to the showing of photographic reproductions distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

SECTION 5.40.130 ADULT-ORIENTED BUSINESSES means any of the following commercial establishments where patrons are permitted or invited: an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, or Sexual Encounter Center.

SECTION 5.40.135 ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which as a regular and substantial course of conduct features persons who appear in a State of Nudity or Semi-Nude Condition and/or features live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

- (1) The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the display or depiction Specified Sexual Activities or Specified Anatomical Areas.
- (2) The proportion of the business' revenue that is attributable to entertainment that is distinguished or characterized by an emphasis upon the display or depiction of Specified Sexual Activities or Specified Anatomical Areas.

SECTION 5.40.140 DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON means the dominant or essential 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 depiction or description of Specified Sexual Activities or Specified Anatomical Areas," the films so described are those whose dominant or predominant character and theme are the depiction or description of the enumerated sexual activities or anatomical areas.

SECTION 5.40.145 EMPLOYEE means a person who performs any service on the premises of an Adult-Oriented Business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises of the Adult-Oriented Business to render only repair or maintenance services or to deliver equipment or goods to the Adult-Oriented Business as long as such persons are not Nude, Semi-Nude, in a State of Nudity, or in a Semi-Nude Condition.

SECTION 5.40.150 ESTABLISHMENT OF AN ADULT-ORIENTED BUSINESS means and includes any of the following:

- (1) The opening or commencement of any Adult-Oriented Business as a new business;
- (2) The conversion of an existing business, whether or not an Adult-Oriented Business, to any other Adult-Oriented Business;
- (3) The addition of any Adult-Oriented Business to any other existing Adult-Oriented Business; or
- (4) The relocation of any Adult-Oriented Business.

SECTION 5.40.155 FABRIC means cloth made by weaving or knitting natural or synthetic fibers and filaments.

SECTION 5.40.160 HOTEL means a building where lodging and usually meals, entertainment and other various personal services are provided to the public for some form of consideration.

SECTION 5.40.165 LICENSEE means a person in whose name a license to operate an Adult-Oriented Business has been issued, as well as the person listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an Adult-Oriented Business.

SECTION 5.40.170 MOTEL means a Hotel in which the rooms are accessible from the business parking areas.

SECTION 5.40.175 NUDE MODEL STUDIO means any place where a person who appears Semi-Nude, in a State of Nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of California or

a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a Nude or Semi-Nude person is available for viewing;
- (2) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,
- (3) where no more than one (1) Nude or Semi-Nude Model is on the premises at any one time.

SECTION 5.40.180 NUDITY OR A STATE OF NUDITY means the showing of the human male or female genitals, pubic area, anus, or buttocks with less than a fully opaque fabric covering, the showing of the female breast with less than a fully opaque fabric covering of any part of the areola, or the showing of completely or opaquely covered (by fabric) male genitals in a discernibly turgid state.

SECTION 5.40.185 PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.

SECTION 5.40.190 POLICE CHIEF OR CHIEF OF POLICE means the Chief of Police of the City of Lodi or the authorized representatives thereof.

SECTION 5.40.195 SEMI-NUDE OR IN A SEMI-NUDE CONDITION means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SECTION 5.40.200 SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, when one or more of the persons is in a State of Nudity or Semi-Nude Condition.

SECTION 5.40.205 SPECIFIED ANATOMICAL AREAS means and includes the following:

- (1) Less than completely and opaquely covered by fabric, (i) human genitals or pubic region, (ii) human buttocks, (iii) human anus or, (iv) the female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered by fabric; and,

- (3) Any device, costume, or covering that simulates any of the body parts included in subdivisions (1) or (2) above.

SECTION 5.40.210 SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:

- (1) prostitution or promotion of prostitution, dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance involving a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) for which:
 - (a) less than two (2) 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 for a misdemeanor offense;
 - (b) less than five (5) 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 (5) 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 (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

SECTION 5.40.215 SPECIFIED SEXUAL ACTIVITIES means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- (2) Sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;

- (4) Excretory functions as part of or in connection with any of the other activities described in subdivision (1) through (3) above.

SECTION 5.40.220 TRANSFER OF OWNERSHIP OR CONTROL of Adult-Oriented Business means and includes any of the following:

- (1) the sale, lease, or sublease of the Adult-Oriented Business;
- (2) the transfer of securities which constitute a controlling interest in the Adult-Oriented Business, whether by sale, exchange, or similar means; or,
- (3) the establishment of a trust, gift, or other similar legal device which transfer the ownership or control of the Adult-Oriented Business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

ARTICLE 3

ADULT-ORIENTED BUSINESS LICENSES

SECTION 5.40.300 ADULT-ORIENTED BUSINESS LICENSE REQUIRED. Every person who proposes to maintain, operate, conduct, or establish an Adult-Oriented Business in the City shall file an application with the Chief of Police on a form provided by the City and shall pay a non-refundable application, investigation, and licensing fee set forth by resolution from time to time by the City Council.

- (1) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information including fingerprints as to enable the Chief of Police to determine whether the applicant meets the qualifications established in this Article.
- (2) If a person who wishes to operate an Adult-Oriented Business is an individual, the person must sign the application. If a person who wishes to operate an Adult-Oriented Business is other than an individual, each individual who has a ten percent (10%) or greater interest in the Adult-Oriented Business must sign the application. Each applicant must be qualified under this Article and each applicant shall be considered a Licensee if a license is granted.
- (3) The completed application for an Adult-Oriented Business License shall contain the following information and shall be accompanied by the following documents:
 - (a) If the applicant is:

- (i) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least eighteen (18) years of age;
 - (ii) a partnership, the partnership shall state its complete name, address and the names of all partners whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (iii) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, and the name of the registered corporate agent and the address of the registered office for service or process.
- (b) If the applicant intends to operate the Adult-Oriented Business under a name other than that of the applicant, the applicant shall register the fictitious name of the Adult-Oriented Business with the appropriate governmental entity and show written proof of registration of the fictitious name.
 - (c) Whether the applicant has been convicted of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, the place, and jurisdiction of each.
 - (d) Whether the applicant has ever had a license previously issued under this Chapter or its predecessor, or other similar Adult-Oriented Business ordinances from another city or county denied, suspended or revoked, including the name and location of the Adult-Oriented Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Chapter, or its predecessor, whose license has previously been denied, suspended or revoked, including the name and location of the Adult-Oriented Business for which the license was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 - (e) Whether the applicant holds any other licenses under this Chapter, or its predecessor, or other similar Adult-Oriented Business ordinance from another city or county, and, if so, the names and locations of such other licensed businesses.
 - (f) The particular Adult-Oriented Business for which the applicant is applying. An applicant must apply separately for each Adult-

Oriented Business to be operated, owned, managed, or controlled by the applicant.

- (g) The address to which notice of action on the application is to be mailed.
- (h) The location of the Adult-Oriented Business, including a legal description of the property, street address, and telephone number(s), if any.
- (i) The applicant's mailing address and residential address.
- (j) A recent photograph of the applicant.
- (k) The applicant's driver's license number, Social Security number, and the applicant's state or federally issued tax identification number.
- (l) The names of all Employees, independent contractors, and other persons who will perform at the Adult-Oriented Business, who are required by this Chapter to obtain an Adult-Oriented Business Employee License.

SECTION 5.40.305 INVESTIGATION AND ACTION ON APPLICATION FOR ADULT-ORIENTED BUSINESS LICENSE.

- (1) The Chief of Police shall determine whether the application contains all of the information required by the provisions of this Article. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of the date of receipt of the application that the application is not complete and the reasons therefor. The applicant shall have thirty (30) calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within five (5) business days following the receipt of a supplemental or amended application, the Chief of Police shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. If an applicant submits two (2) consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with the Chief of Police as set forth herein.
- (2) Upon determining that a complete application and the required non-refundable application fee have been submitted, the Chief of Police shall issue a temporary license to the applicant, which shall be valid for thirty (30) business days after the date of issuance.

- (3) Within five (5) business days after receipt of a completed application and the required filing fee, the Chief of Police shall transmit copies of the application and its attachments to appropriate City departments.
- (4) Within thirty (30) business days after receipt of a completed application and the required filing fee, the Chief of Police shall complete the investigation, grant or deny the application in accordance with the provisions of this Section, and shall notify the applicant as follows:
 - (a) If the application is approved, the Chief of Police shall write or stamp "Granted" on the application and date and sign such notation. The Chief of Police shall attach to the application a regular Adult-Oriented Business License.
 - (b) If the application is denied, the Chief of Police shall write or stamp "Denied" on the application and date and sign such notation. The Chief of Police shall attach to the application a statement of the reasons for denial.
 - (c) The document specified in (a) and (b) above shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address specified in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the United States mail or the date upon which personal service is provided.
- (5) The Chief of Police shall approve the issuance of a regular license to an applicant, unless it is determined by a preponderance of the evidence that any of the following findings is true:
 - (a) An applicant is under eighteen (18) years of age.
 - (b) An applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered a question or request for information falsely on the application form.
 - (c) An applicant has been denied a license by the City to operate an Adult-Oriented Business within the twelve (12) months preceding the filing of the application or an applicant whose license to operate an Adult-Oriented Business has been revoked within twelve (12) months.
 - (d) The applicant has been convicted of a Specified Criminal Activity, either within the State of California or in another jurisdiction.

- (e) The applicant has, within the past five (5) years, been convicted in an administrative enforcement action or court action of violating an Adult-Oriented Business ordinance.
- (6) The regular license, if granted shall expire one (1) year from the date of issuance and may only be renewed by the Licensee filing with the Chief of Police a written request or renewal on a form provided by the City, accompanied by a non-refundable application, investigation and licensing fee set forth by resolution from time to time by the City Council, and a copy of the license to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the regular license. When a renewal request is made less than thirty (30) days before the expiration date, the expiration shall not be stayed. The Chief of Police shall act upon applications for license renewal as provided herein for applications for licenses.
- (7) The regular license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the Adult-Oriented Business and the classification of Adult-Oriented Business as set forth in Section 5.40.135 herein, for which the license is issued.
- (8) All licenses shall be posted in a conspicuous place at or near the entrance to the Adult-Oriented Business so that all persons entering the Adult-Oriented Business may easily read them at any time.
- (9) Within thirty (30) calendar days of any change in the information originally submitted with the license application, all Licensees shall provide the Chief of Police with a written statement supplementing or amending the information required by this Article. Failure to submit such changes shall be grounds for suspension of the Adult-Oriented Business License.
- (10) Within thirty (30) calendar days of any change in employee hiring or status, all Licenses shall provide the Chief of Police with a written statement supplementing or amending the information required by this Article. Failure to submit such changes shall be grounds for suspension of the Adult-Oriented Business License.
- (11) If the Chief of Police neither grants nor denies a completed application for which the filing fees have been paid, within thirty (30) business days after the City's receipt of the application, the applicant may begin operating the Adult-Oriented Business for the single classification of Adult-Oriented Business as set forth in Section 5.40.135 herein, for which the license was sought, subject to compliance with the Development and Performance Standards and Regulations of Article 6 of this Chapter.

SECTION 5.40.310 TRANSFER OF ADULT-ORIENTED BUSINESS LICENSES.

- (1) It is a violation of this Chapter for a Licensee to operate an Adult-Oriented Business under the authority of an Adult-Oriented Business License at any place other than the address of the Adult-Oriented Business stated in the application upon which the license was issued.
- (2) It is a violation of this Chapter for a Licensee to transfer ownership or control of an Adult-Oriented Business License to another person unless and until the transferee first obtains a written amendment to the license from the Chief of Police in accordance with and subject to the application and fee requirements set forth in this Article.
- (3) It is a violation of this Chapter for a Licensee to transfer an Adult-Oriented Business License when the Chief of Police has notified the Licensee that the license has been suspended or revoked or that such action is pending.
- (4) Any attempt to transfer a license either directly or indirectly in violation of this Section is void, and the license shall be deemed revoked.

ARTICLE 4

ADULT-ORIENTED BUSINESS

EMPLOYEE LICENSE

SECTION 5.40.400 ADULT-ORIENTED BUSINESS EMPLOYEE LICENSE REQUIRED

- (1) No person shall engage in or participate in any live performance depicting Specified Anatomical Areas or involving Specified Sexual Activities in an Adult-Oriented Business, without a valid Adult-Oriented Business Employee License issued by the Chief of Police.
- (2) No person shall be employed at an Adult-Oriented Business, except those persons excluded from the license requirements pursuant to Section 5.40.150, without a valid Adult-Oriented Business Employee License issued by the Chief of Police.
- (3) Before any applicant may be issued an Adult-Oriented Business Employee License, the applicant shall submit to the Chief of Police on a form to be provided by the City the following information:
 - (a) The applicant's legal name and any other name including "stage" names or aliases used by the applicant;
 - (b) Age, date, and place of birth;
 - (c) Height, weight, hair and eye color;

- (d) Present residence address and telephone number;
 - (e) Present business address and telephone number;
 - (f) Date, issuing state and number of driver's license or other identification card information;
 - (g) Social Security number; and
 - (h) Satisfactory written proof that the individual is at least eighteen (18) years of age.
- (4) Attached to the application form shall be the following:
- (a) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
 - (b) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state, or country has ever had a license permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
 - (c) A statement whether the applicant has been convicted within the past five (5) years, as of the date of submitting the application, a Specified Criminal Activity as defined in this Chapter and, if so, the Specified Criminal Activity involved, the date, place and jurisdiction of each conviction.
 - (d) A statement whether the applicant is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution, the place or such registration, licensing or legal authorization, and the inclusive dates during which the applicant was so licensed, registered, or authorized.
- (5) Every application for an Adult-Oriented Business Employee License, whether for a new license or for a renewal of an existing license, shall be

accompanied by a non-refundable application, investigation and license fee as set forth by resolution from time to time by the City Council.

SECTION 5.40.405 INVESTIGATION AND ACTION ON APPLICATION FOR ADULT-ORIENTED BUSINESS EMPLOYEE LICENSE.

- (1) Upon receipt of an application for an Adult-Oriented Business Employee License and the required non-refundable application, investigation, and licensing fee, the Chief of Police shall issue a temporary license to the applicant.
- (2) The Chief of Police shall determine whether the application contains all of the information required by the provisions of this Article. If it is determined that the application is not complete, the applicant shall be notified in writing within five (5) business days of the date of receipt of the application that the application is not complete and the reasons therefor. The applicant shall have ten (10) calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within five (5) business days following receipt of a supplemental or amended application, the Chief of Police shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. If an applicant submits two (2) consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with Chief of Police as set forth herein.
- (3) Within fifteen (15) business days after the issuance of the temporary license, the Chief of Police shall grant or deny the application and so notify the applicant as follows:
 - (a) If the application is approved, the Chief of Police shall write or stamp "Granted" on the application and date and sign such notation. The Chief of Police shall attach to the application an Adult-Oriented Business Employee License.
 - (b) If the application is denied, the Chief of Police shall write or stamp "Denied" on the application and date and sign such notation. The Chief of Police shall attach to the application a statement of the reasons for denial.
 - (c) The documents specified in (a) and (b) above shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address specified in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the United States mail or the date upon which personal service is provided.

- (4) The Chief of Police shall grant the application unless it is determined by a preponderance of the evidence that any of the following findings is true:
 - (a) The applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered a question or request for information falsely on the application form;
 - (b) The applicant is under the age of eighteen (18) years;
 - (c) The applicant has been convicted of a Specified Criminal Activity, whether within the State of California or in another jurisdiction;
 - (d) The Adult-Oriented Business Employee License is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Chapter; and,
 - (e) The applicant has, within the past five (5) years, been convicted in an administrative enforcement action or court action of violating an Adult-Oriented Business ordinance.
- (5) The license, if granted shall expire one (1) year from the date of issuance and may be renewed only by the Licensee filing with the Chief of Police a written request for renewal on a form provided by the City, accompanied by the required fee and a copy of the license to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the license. When a renewal request is made less than thirty (30) days before the expiration date, the expiration shall not be stayed. The Chief of Police shall act upon applications for license renewal as provided herein for applications of initial licenses.
- (6) The license, if granted, shall state on its face the name of the person to whom it is granted, and the expiration date. The Chief of Police shall provide each person issued an Adult-Oriented Business Employee License with an identification card containing the name, address, photograph, and license number of the Licensee.
- (7) Both the license and the identification card shall be available for inspection at all times during which the Licensee is on the premises of the Adult-Oriented Business.
- (8) If the Chief of Police neither grants nor denies a completed application for which the filing fees have been paid, within fifteen (15) business days after its receipt, the applicant may begin the employment for which the license is sought, subject to strict compliance with the Development and Performance Standards and Regulations of Article 6 of this Chapter.

SECTION 5.40.410 TRANSFER OF ADULT-ORIENTED BUSINESS EMPLOYEE LICENSE. A Licensee shall not transfer ownership or control of an Adult-Oriented Business Employee License.

Article 5

DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

SECTION 5.40.500 DENIAL AND LICENSE RENEWAL. When the Chief of Police denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of the denial. If, subsequent to denial, the Chief of Police finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

SECTION 5.40.505 SUSPENSION OF LICENSE.

- (1) The Chief of Police shall suspend a license for a period not to exceed thirty (30) days if he or she determines that a Licensee or an Employee of a Licensee has:
 - (a) violated or is not in compliance with any section of this Chapter; or
 - (b) refused to all an inspection of the Adult-Oriented Business premises as authorized by this Chapter.

SECTION 5.40.510 REVOCATION OF LICENSE.

- (1) The Chief of Police shall revoke a license if a cause of suspension in Section 5.40.505 occurs and the license has been suspended within the preceding twelve (12) months.
- (2) The Chief of Police shall revoke a license for any of the following causes arising from the acts or omissions of the Licensee, or an Employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business:
 - (a) a Licensee knowingly gives false, misleading, or fraudulent information in the material submitted during the application process, or in any report or record required to be filed with the City;
 - (b) a Licensee, Employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business has knowingly allowed or permitted, and has failed to make reasonable effort to prevent the occurrence of any of the following acts on the premises of the Adult-Oriented Business, or in the case of an Adult-Oriented

Business Performer, the performer has engaged in one of the activities described below while on the premises of an Adult-Oriented Business:

- (i) any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation, with the exception of Adult Motels unless the Licensee or Employee of the Adult Motel knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view;
 - (ii) use of the Adult-Oriented Business as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
 - (iii) the occurrence of Specified Criminal Activities, including acts of lewdness, assignation, or prostitution, or acts relating to obscene matter or distribution of harmful matter to minors.
- (c) a Licensee knowingly operated, performed or was employed at the Adult-Oriented Business during a period of time when the Licensee's license was suspended.
- (3) When the Chief of Police revokes a license, the revocation shall continue for one (1) year, and the Licensee shall not be issued an Adult-Oriented Business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

SECTION 5.40.515 SUSPENSION OR REVOCATION HEARING. On determining that grounds for license revocation or suspension exist, the Chief of Police shall furnish written notice of the proposed suspension or revocation to the Licensee. Such notice shall set forth the time and place of a hearing to be conducted by a hearing officer appointed pursuant to Lodi Municipal Code Chapter 2.34, and the grounds upon which the hearing is based, the pertinent Code sections at issue, and a brief summary of the facts in support of the suspension or revocation. The notice shall be mailed, postage prepaid, to the last known address of the Licensee, or shall be delivered to the Licensee personally, at least ten (10) working days prior to the hearing date. At the hearing, all parties shall have the right to offer testimonial, documentary, and tangible evidence on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence upon which reasonable persons are accustomed to rely in the conduct of serious matters may be admitted. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or witnesses.

Notice of the hearing officer's decision shall be mailed to the applicant or Licensee no later than seven (7) days after the hearing. If the hearing officer finds and determines that there are grounds for disciplinary action, the Chief of Police shall do either of the following:

- (1) suspend the license for a specified period of time not to exceed three (3) months for the first offense;
- (2) Revoke the license for the second offense.

SECTION 5.40.520 APPEAL. All decisions of the Chief of Police to issue, renew, deny, suspend or revoke a licensee are final within thirty (30) calendar days. After any denial, or a suspension or revocation, the applicant or licensee may seek prompt judicial review of such decision pursuant to California Code of Civil Procedure Section 1094.8 in any court of competent jurisdiction as provided by law. Notwithstanding the applicant's or licensee's right to initiate judicial review, the City shall, upon the written request of an aggrieved applicant or licensee, within three (3) business days of its receipt of the request, file an action with a court of competent jurisdiction seeking declaratory and injunctive relief, including temporary and preliminary relief, as to the propriety of the denial, revocation, or suspension.

If the City denies an initial or renewal application and the aggrieved applicant commences a legal action to determine the validity of the denial or makes a written request in the manner set forth herein that the City commence such actions, then the City shall issue a temporary license. This temporary license shall remain in effect only until the court in which the action is pending renders a judicial decision on application for a temporary restraining order, a motion for preliminary injunction, etc., as to the propriety of the denial.

If, upon request, the City files such action seeking judicial review or the aggrieved applicant or licensee files the action, the City's revocation or suspension of the license will be stayed pending a judicial decision on the propriety of the denial based upon an application for temporary restraining order, a motion for preliminary injunction or other form of judicial review, whichever is earliest.

Any temporary license issued pursuant to this Chapter shall not grant any vested rights on the holder of the temporary license.

SECTION 5.40.525 CONFIDENTIALITY. The City deems confidential license applications required by Articles 3 and 4 above and all information contained therein. Absent an order from a court of competent jurisdiction, the City shall not disclose for public view the applications or the information contained therein.

Article 6
Development and Performance
Standards and Regulations

SECTION 5.40.600 PROHIBITION AGAINST MINORS IN AN ADULT-ORIENTED BUSINESS. It shall be unlawful for any Licensee, operator, or other person in charge of any Adult-Oriented Business to permit to enter, or remain within the Adult-Oriented Business, any person who is not at least eighteen (18) years of age or to provide service for which this chapter requires a license, to any person who is not at least eighteen (18) years of age.

SECTION 5.40.605 CONCEALING SPECIFIED SEXUAL ACTIVITIES AND SPECIFIED ANATOMICAL AREAS FROM PUBLIC VIEW.

- (1) No Adult-Oriented Business shall be operated in any manner that permits observation of any material or activities depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped open or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
- (2) The exterior appearance of buildings housing Adult-Oriented Businesses shall not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values in the neighborhood where such business is located.

SECTION 5.40.610 POSTING NOTICES REQUIRED TO MINORS. No person under the age of eighteen (18) years shall be permitted within the Adult-Oriented Business at any time. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Community Development Director or his or her designee.

SECTION 5.40.615 INDOOR AREAS OPEN TO VIEW BY MANAGEMENT. All indoor areas of the Adult-Oriented Business where patrons or members of the public are permitted, excluding rest rooms, shall be open to view by management at all times.

SECTION 5.40.620 SECURITY GUARDS. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, based on the following standards:

- (1) Adult-Oriented Businesses featuring live entertainment shall employ at least one (1) security guard at all times while business is open. If the occupancy limit of the Adult-Oriented Business is greater than thirty-five (35) persons, an additional security guard shall be on duty.
- (2) Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this Chapter. Security guards shall be uniformed in such manner so as to be readily identifiable as a security guard and shall be duly licensed as a security guard as required by applicable state law. No security guard required pursuant to this section shall act as a door person, ticket seller, ticket taker, admittance person, entertainer or performer, or sole occupant of the manger's station while acting as a security guard.

SECTION 5.40.625 REGISTER AND LICENSE NUMBER OF EMPLOYEES. Every Licensee of an Adult-Oriented Business that provides live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities must maintain a register of all past and current persons so performing at the Adult-Oriented Business and their license numbers. Such register shall be available for inspection during regular business hours by any police officer of the City.

SECTION 5.40.630 INSPECTION.

- (1) An applicant or Licensee shall permit representatives of the Police Department, Health Department, Fire Department, Planning Department, or other City departments or agencies to inspect the premises of an Adult-Oriented Business for the purpose of ensuring compliance with the law, at any time the Adult-Oriented Business is occupied or open for business.
- (2) It is a violation of this Chapter for a person who operates an Adult-Oriented Business or that person's agent or Employee to refuse to permit such lawful inspection of the Adult-Oriented Business at any time it is open for business.

SECTION 5.40.635 RESTROOM FACILITIES. The Adult-Oriented Business shall provide and maintain separate restroom facilities for male patrons and Employees, and female patrons and Employees. Male patrons and Employees shall be prohibited from using the restroom(s) for females, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any Adult Material. Restroom shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an Adult-Oriented Business which deals exclusively with the sale or rental of Adult Material which is not used or consumed on the premises, such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the general public.

The foregoing requirements of this Article shall be deemed conditions of Adult-Oriented Business License approvals and failure to comply with every such requirement shall be grounds for revocation of the license.

SECTION 5.40.640 ADDITIONAL REGULATIONS FOR ADULT ARCADE. Any Adult-Oriented Business, which is also an Adult Arcade, shall comply with the following provisions:

- (1) The interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from a manager station of every area of the Adult-Oriented Business to which any patron is permitted access for any purpose, excluding restrooms. If the Adult-Oriented Business has two (2) or more manager stations designated, then the interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from at least one (1) of the manager stations of each area of the Adult-Oriented Business to which any patron is permitted access.
- (2) It shall be the duty to the Licensee to ensure that the view area required by paragraph (1) of this Section is at times unobstructed by any doors, walls, merchandise, display racks, or other materials while the Adult-Oriented Business is open to patrons.
- (3) No viewing room or booth may be occupied by more than one (1) person at any time.
- (4) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two (2) such rooms such as would allow viewing from one (1) booth into another or such as to allow physical contact of any kind between the occupants of any two (2) such booths or rooms.
- (5) Customers, patrons, or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or to remain in the common area of such Adult-Oriented Businesses, other than the restrooms, unless actively engaged in shopping for or reviewing the products available or on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.
- (6) The floors, seats, walls, and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen, or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls.

SECTION 5.40.645 ADDITIONAL REGULATIONS RELATING TO LIVE ENTERTAINMENT. The following additional requirements shall pertain to Adult-Oriented Businesses providing live entertainment depicting Specified Anatomical Areas

or involving Specified Sexual Activities, except for business regulated by the California Department of Alcoholic Beverage Control.

- (1) No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least twenty-four (24) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Section. Performer shall mean any person who is an employee or independent contractor of the Adult-Oriented Business, or any person who, with or without compensation or other form of consideration, perform live entertainment for patrons of an Adult-Oriented Business.
- (2) The Adult-Oriented Business shall provide separate dressing room facilities for performers, which are exclusively dedicated to the performers' use.
- (3) The Adult-Oriented Business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons.
- (4) The Adult-Oriented Business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such access is not physically feasible, the Adult-Oriented Business shall provide a minimum three-(3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which is capable of preventing any physical contact between patrons and performers.
- (5) No performers, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer either before, during, or after performances by such performer. This paragraph shall only apply to physical contact anywhere on or within the premises of the Adult-Oriented Business, including off-street parking areas.
- (6) No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any pay or accept gratuity from any patron.
- (7) No owner or other person with managerial control over an Adult-Oriented Business shall permit any person on the premises of the Adult-Oriented Business to engage in a live showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This paragraph may not be complied with by applying an opaque

covering simulating the appearance of the specified anatomical part required to be covered.

SECTION 5.40.650 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

- (1) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an Adult Motel.
- (2) It is a violation of this Chapter when, as a person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an Adult-Oriented Business License, the person rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or sub-rents the same sleeping room again.
- (3) For purposes of paragraphs (1) and (2) of this Section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION 5.40.655 ADDITIONAL REGULATIONS RELATING TO THE EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS. A person who operates or causes to be operated an Adult-Oriented Business, other than an Adult Motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts Specified Sexual Activities or Specified Anatomical Areas, shall comply with the following requirements:

- (1) Upon application for an Adult-Oriented Business License, the application shall be accompanied by a diagram of the premises showing a plan hereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license 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 should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of premises to an accuracy of plus or minus six (6) inches. The Chief of Police 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 premises has not been altered since it was first prepared.
- (2) No alteration in the configuration or location of a manager's station may be made without the prior written approval of the Chief of Police

- (3) It is the duty of the Licensee of the Adult-Oriented Business to ensure that at least one licensed Employee is on duty and situated in each manager's station at all times that any patron is present inside the Adult-Oriented Business.
- (4) The interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the Adult-Oriented Business to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing equipment. If the Adult-Oriented Business has two (2) or more designated manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the Adult-Oriented Business to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this Section must be by direct line of sight from the manager's station.
- (5) It shall be the duty of the Licensee to ensure that the view area specified in this Section remains unobstructed at all times by any doors, curtains, partitions, walls, merchandise, display racks or other materials.
- (6) It shall be the duty of the Licensee to ensure that no patron is permitted to access to any area of the Adult-Oriented Business which has been designated as an area in which patrons will not be permitted pursuant to paragraph (1) of this Section.
- (7) No viewing room may be occupied by more than one (1) person at any time.
- (8) The Adult-Oriented Business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level.
- (9) It shall be the duty of the Licensee to ensure that the illumination required by this Section is maintained at all times that any patron is present in the premises.
- (10) No openings of any kind shall exist between viewing rooms or booths.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (12) The Licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (13) The Licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

- (14) The Licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48) inches of the floor.
- (15) It is a violation of this Chapter for a person having a duty under this Section to knowingly fail to fulfill that duty.

SECTION 5.40.660 ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS.

- (1) A Nude Model Studio shall not employ any person under the age of eighteen (18) years.
- (2) It is a violation of this Chapter for a person under the age of eighteen (18) years to appear Semi-Nude or in a State of Nudity in or on the premises of a Nude Model Studio. It is a defense to prosecution under this Section if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.
- (3) It is a violation of this Chapter for a person to appear in a State of Nudity, or knowingly allow another to appear in a State of Nudity in an area of a Nude Model Studio premises which can be viewed from the public right of way.
- (4) A Nude Model Studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SECTION 5.40.665 ADDITIONAL REGULATIONS CONCERNING PUBLIC NUILITY.

- (1) It is a violation of this Chapter for a person knowingly and intentionally, in an Adult-Oriented Business, to appear in a Semi-Nude condition unless the person is an Employee who, while Semi-Nude, is upon a stage at least twenty-four (24) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest areas occupied by patrons.
- (2) It is a violation of this Chapter for a person knowingly or intentionally, in an Adult-Oriented Business, to appear in a Semi-Nude condition unless the person is an Employee who, while Semi-Nude, is upon a stage at least twenty-four (24) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest areas occupied by patrons.
- (3) It is a violation of this Chapter for an Employee or performer while Semi-Nude in an Adult-Oriented Business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any Employee.

- (4) It is a violation of this Chapter for an Employee or performer, while Semi-Nude, to touch a patron or the clothing of a patron.

ARTICLE 7 ENFORCEMENT

SECTION 5.40.700 SEPARATE OFFENSE FOR EACH DAY. Any person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof and, shall be punished accordingly.

SECTION 5.40.705 PUBLIC NUISANCE. Any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to Chapter 16.18 of the City Code.

SECTION 5.40.710 CRIMINAL PENALTIES. Any person who violates, causes, or permits another person to violate any provision of this Chapter commits an infraction. Any person convicted of an infraction shall be subject to a fine to the maximum amount permitted by state law. Any person twice convicted of an infraction for repeat violations of the same provision within a one (1) year period, may be charged with a misdemeanor upon being issued a citation for the repeated violation of the same provision. Any person convicted of a misdemeanor shall be subject to punishment to the maximum permitted by state law.

Pursuant to Government Code section 36900(a), the City Attorney may prosecute these violations in the name of the People of the State of California.

SECTION 5.40.715 CIVIL INJUNCTION. The violation of any provision of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

SECTION 5.40.720 ADMINISTRATIVE REMEDIES. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Chapter may be subject to administrative remedies, as set forth by City ordinance.

SECTION 5.40.725 REVOCATION OF LICENSE. In addition to the remedies set forth above, violation of the provisions of this Chapter constitutes grounds for the revocation of an Adult-Oriented Business License and/or Adult-Oriented Business Employee License.

ARTICLE 8

MISCELLANEOUS PROVISIONS

SECTION 5.40.800 REGULATIONS NONEXCLUSIVE. The provisions of this Chapter regulating Adult-Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the Lodi City Council.

SECTION 5.40.805 TIME LIMIT FOR FILING APPLICATION FOR LICENSE. All persons who possess a valid business license heretofore issued for the operation of an Adult-Oriented Business and all persons required by this Chapter to obtain an Adult-Oriented Employee License, must apply for and obtain such license within ninety (90) days of the effective date of this Chapter. Failure to do so and continued operation of an Adult-Oriented Business, or the continued employment of persons by or at Adult-Oriented Businesses after such time without a valid license shall constitute a violation of this chapter.

SECTION 5.40.810 HOURS OF OPERATION. No adult business as defined herein with the exception of adult newsracks shall remain open between the hours of two a.m. and eight a.m., and all patrons, customers, and visitors shall be excluded therefrom during those hours.

SECTION 5.40.815 OUTCALL ADULT-ORIENTED BUSINESSES PROHIBITED. All operation of Adult-Oriented businesses involving specified sexual activities or specified anatomical areas as defined herein, or the presentation of any live nude, semi-nude or topless entertainment shall be conducted completely on licensed premises otherwise in compliance with this chapter. No out-call Adult-Related Business, services or entertainment involving specified sexual activities or specified anatomical areas shall be permitted.

SECTION 7 - NO MANDATORY DUTY OF CARE. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 8 - SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 9. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 10. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2000

STEPHEN J. MANN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2000 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2000 by the following vote:

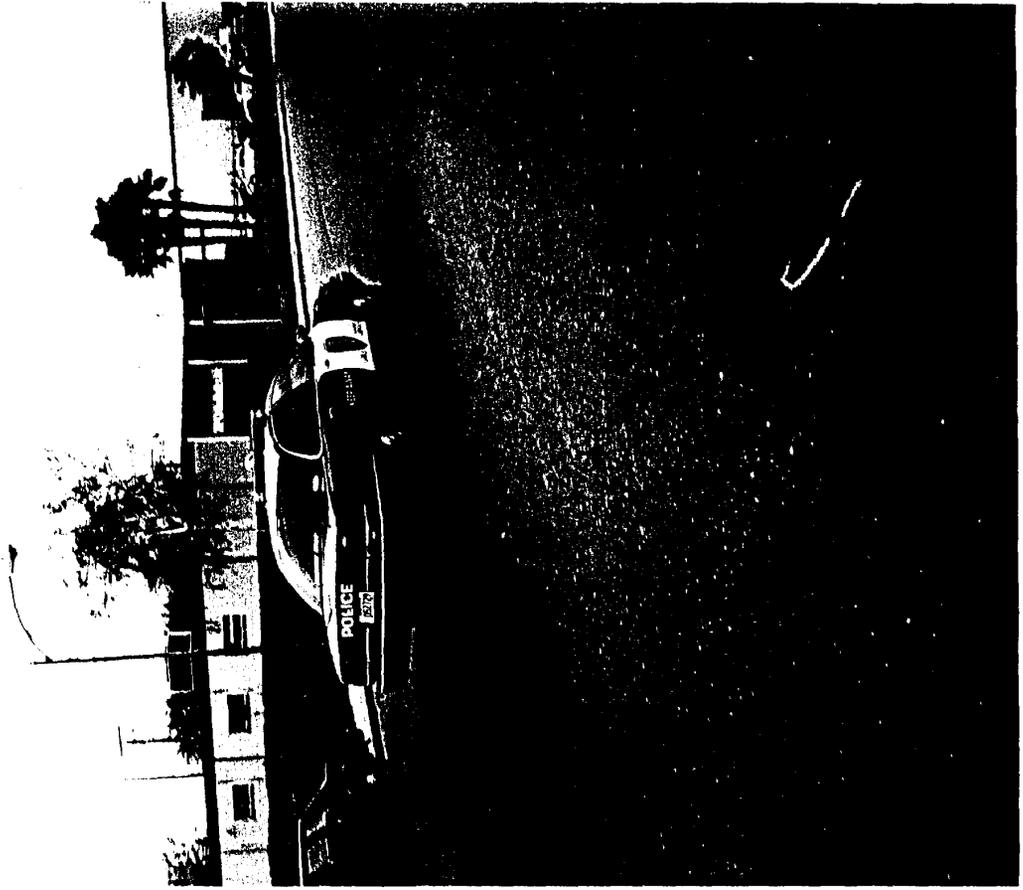
AYES: COUNCIL MEMBERS -
NOES; COUNCIL MEMBERS -
ABSENT: COUNCIL MEMBERS -
ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

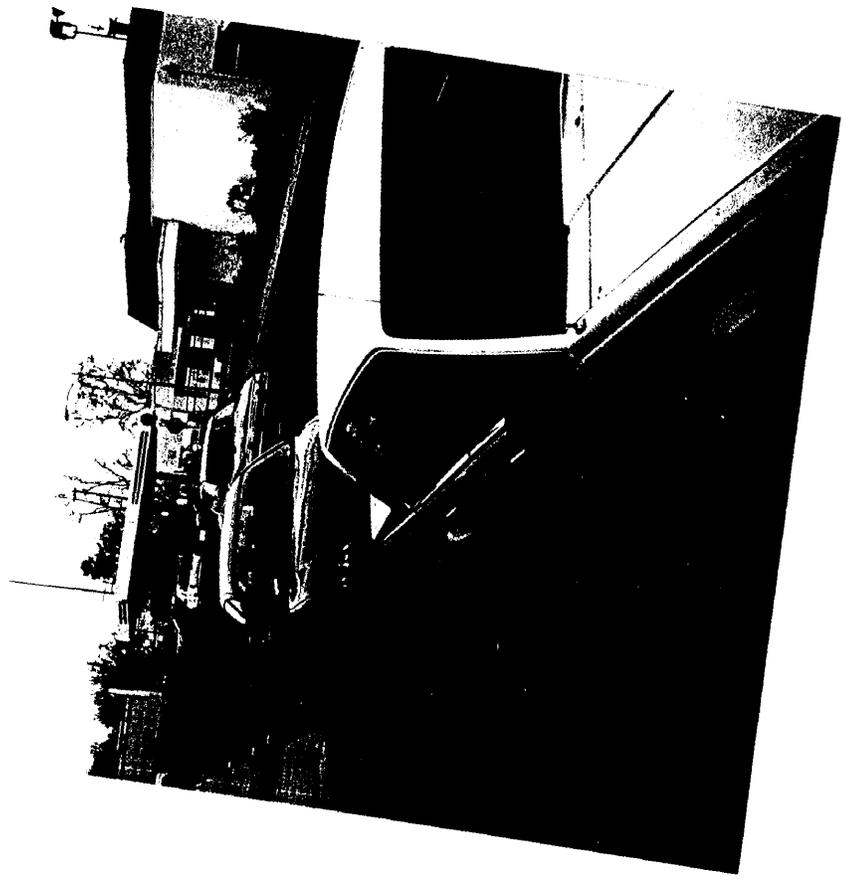
Approved as to Form:

RANDALL A. HAYS
City Attorney



11-8-81





C-3

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: 2000 Local Agency Biennial Notice (Government Code § 87306.5)

MEETING DATE: September 26, 2000

PREPARED BY: Deputy City Attorney

RECOMMENDATION: *Not Applicable.*

BACKGROUND: The Political Reform Act requires that each City adopt a Local Conflict of Interest Code requiring specified types of commissioners, employees and consultants¹ to disclose their economic interests, which might create a conflict of interest. Employees and commissioners must disclose their interests if they have the power to make a governmental decision or participate in making a governmental decision through research and advocacy. Consultants must disclose their interests if they actually make a governmental decision. Disclosure is to be tailored to the type of decision a person might make. For example, the Deputy City Manager has broad power to make and recommend a vast array of decisions. As such she would have to make full disclosure of all of her interests. On the other hand, a purchasing agent in information services would only disclose interests in the types of companies they contract with. In compliance with the act, Council adopted a Local Conflict of Interest Code most recently on September 16, 1998 in Resolution 98-138, a copy of which is attached hereto for reference.

Once adopted, the Council must review a conflict of interest code every two years to ensure that it complies with the Political Reform Act. Usually this process amounts to no more than adding newly created positions to, removing abolished positions from and reflecting title changes in the Conflict of Interest Code. In order to facilitate this review, each department head and commission must give notice to Council of the kinds of changes they believe are necessary to comply with the Political Reform Act by October 1 of every even numbered year. This notice does not include a description in any broader terms than those outlined above.

This Agenda item is intended to provide that notice to the Council. At this time, no Council Action is requested or required. An action item will be placed on the regular agenda between now and December 2000 by which time the Council must act to approve the amendments to the code. During that time, Staff will perform a review of the exact changes and present it to Council for consideration.

¹ Certain commissioners and employees such as the City Clerk, City Attorney, City Manager and Planning Commissioners are exempt from the Local Conflict of Interest Code because they already have disclosure obligations under other provisions of the Political Reform Act.

APPROVED: _____

H. Dixon Flynn -- City Manager

CITY OF LODI

COUNCIL COMMUNICATION

As outlined in the Biennial Notices from each of the City's department head's and commissions, the changes are not required except to delete abolished positions and reflect title changes.

FUNDING: Not applicable.

Respectfully submitted,



D. Stephen Schwabauer, Deputy City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 98-138

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 94-151 THEREBY AMENDING CITY OF
LODI CONFLICT OF INTEREST CODE

The political Reform Act of 1974 (Government Code section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 94-151 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be September 16, 1998.

Dated: September 16, 1998

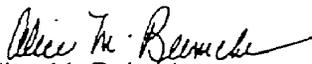
I hereby certify that Resolution No. 98-138 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 16, 1998 by the following vote:

Ayes: Council Members – Johnson, Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None


Alice M. Reimche
City Clerk

APPENDIX A

DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 730:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager	•
	Deputy City Manager	1
	Assistant to City Manager	1
	Economic Development Coordinator	1
	Downtown Coordinator	1
	Information Systems Manager	1
	Information Systems Coordinator	2,3,4,5,8,10,11,15,16
City Attorney	City Attorney	*
	Deputy City Attorney	1
City Clerk	City Clerk	1
	Deputy City Clerk	1
Community Center	Community Center Director	1
	Senior Services Coordinator	2,3,4,10,11,16
	Arts Coordinator	2,3,4,10,11,16
Community Development	Community Development Director	1
	Senior Planner	1
	Junior Assistant/Associate Planner	1
	Community Improvement Manager	1
	Chief Building Inspector	1
	Building Inspector III	1
	Community Improvement Officer	2,3,4,6,10,16
Electric Utility	Electric Utility Director	1
	Electric Utility Management Administrator	1
	Director Electric Services	1
	Director Business Planning & Marketing	1
	Director Engineering & Operations	1
	Electric Utility Superintendent	2,3,4,6,7,8,9,10,15,16
	Technical Services Manager	

Finance	Finance Director Accounting Manager Accountant III Purchasing Officer Revenue Manager Senior Storekeeper/Buyer Buyer Data Processing Manager	* 2,3,4,5,13,18 2,3,4,5,15 2,3,4,5,6,10,11,12,15,16,19 9 2,3,4,5,13,18 2,3,10,12,16 2,3,4,10,12,16 2,3,4,5,8,10,11,15,16
Fire	Fire Chief Fire Division Chief \ Operations Fire Division Chief \ Training Fire Battalion Chief Fire Marshall Fire Inspector	1 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 1 1
Human Resources	Human Resources Director Risk Manager Human Resources Analyst	1 1 2,4,14,17,18
Library	Library Services Director	1
Parks and Recreation	Parks and Recreation Director Parks Superintendent Project Coordinator	1 1 2,3,4,6,7,8,10,16
Police	Police Chief Police Captain	1 1
Public Works	Public Works Director City Engineer Senior Civil Engineer Building\Equipment Maintenance Superintendent Street Superintendent Water\Wastewater Superintendent Assistant Water\Wastewater Superintendent Transportation Manager Equipment Maintenance Supervisor Tree Operations Supervisor	1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,10,11,15,16 2,3,4,10,11,15,16 2,3,4,9,10,11,15,16

Boards and Commissions	Members of the Planning Commission *	
	Members of the Recreation Commission	2,3,4,6,7,8,9,10,16
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8,9,10,16
	Members of the Library Board of Trustees	2,3,4,6,7,8,9,10,16
	Members of the Gang Alternative Project [GAP]	2,3,4,5,10,11
	Members of the Lodi Eastside Improvement Committee	2,3,4,5,7,8,9,10,16
	Members of the Lodi Arts Commission	
Consultants		1

* Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

- A. Makes governmental decisions whether to
 1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. grant agency approval to a plan, design, report, study or similar item;
 7. adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- B. Serves in a staff capacity with the agency and in that capacity performs the same or substantially the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City

Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code section 87200:

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

'Unit' as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income and interests in real property.
2. Investments and business positions in business entities, and all sources of income.
3. Interests in real property.
4. Investments and business positions in business entities and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.

14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.
15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. Investments and business positions in and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.

2000 Local Agency Biennial Notice

Name of Agency: Public Works Department
Mailing Address: 221 W. Pine Street, Lodi Ca.
Contact Person: Richard Prima Office Phone No: 333-6759
Fax Number: 333-6710 E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other Delete positions that should not be designated.

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9/22/00

Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

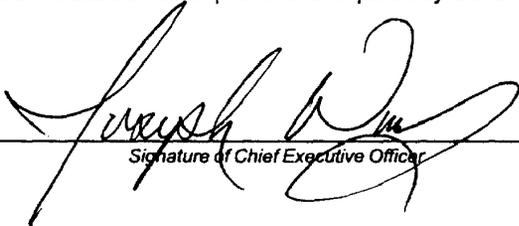
Name of Agency: Eastside Improvement Committee
Mailing Address: 221 W. Pine Street, Lodi Ca
Contact Person: Joseph Wood Office Phone No: 333-2467
Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9-22-00

Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: City Manager's Office
Mailing Address: 221 W. Pine Street, Lodi Ca.
Contact Person: Dixon Flynn Office Phone No: 333-6700
Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer



Date

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Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: City Attorney's Office
Mailing Address: 221 W. Pine Street, Lodi Ca.
Contact Person: Randall Hays Office Phone No: 333-6701
Fax Number: 333-6807 E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Randall A. Hays
Signature of Chief Executive Officer

9-22-00
Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: Library

Mailing Address: 201 W. Locust St., Lodi Ca.

Contact Person: Nancy Martinez Office Phone No: 333-2580

Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Nancy Martinez
Signature of Chief Executive Officer

9/25/00
Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: City Clerk's Office
Mailing Address: 221 W. Pine St, Lodi Ca
Contact Person: Susan Blackston Office Phone No: 333-2601
Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:

(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

9-25-00
Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: Fire Department
Mailing Address: 217 W. Elm Street, Lodi Ca.
Contact Person: Scott Kenley Office Phone No: 333-6735
Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

- The code needs to be amended and the following amendments are necessary:
(Check all that apply)
- Include new positions (including consultants) that must be designated
 - Revise the titles of existing positions
 - Delete the titles of positions that have been abolished
 - Delete the positions that manage public investments
 - Revise disclosure categories
 - Other _____
- No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Scott W. Kenley
Signature of Chief Executive Officer

9/25/00
Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: Electric Utility
Mailing Address: 1331 S. Ham Lane, Lodi Ca.
Contact Person: Alan Vallow Office Phone No: 333-2560
Fax Number: _____ E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9/25/00

Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: HUTCHINS STREET SQUARE - CITY OF LODI
Mailing Address: 125 S. HUTCHINS ST. LODI 95240
Contact Person: Charlene J. Lange Office Phone No: 333-6782
Fax Number: 367-5461 E-mail (optional): clang@lodi.gov

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Charlene J. Lange
Signature of Chief Executive Officer

September 22, '00
Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

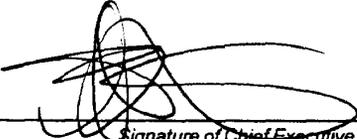
Name of Agency: Community Development Department
Mailing Address: _____
Contact Person: Konradt Bau Ham Office Phone No: (709) 333-6711
Fax Number: (709) 333-6842 E-mail (optional): _____

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)

2000 Local Agency Biennial Notice

Name of Agency: LODI POLICE
Mailing Address: 230 W. ELM ST.
Contact Person: CHIEF JERRY ADAMS Office Phone No: 209-333-6725
Fax Number: 209-339-0422 E-mail (optional): Jadams@Pd.LODI.GOV

This agency has reviewed its conflict of interest code and has determined that:

The code needs to be amended and the following amendments are necessary:
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Revise the titles of existing positions
- Delete the titles of positions that have been abolished
- Delete the positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9-18-00

Date

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than **October 1, 2000** to:

(return address of agency)