

ORDINANCE NO. 176562

An Ordinance amending Section 31.00 of the Los Angeles Municipal Code authorizing enforcement within the City by the County of Los Angeles of its Commercial Sex Venue ordinance pursuant to the City-County Public Health Agreement of 1964.

WHEREAS, on June 18, 1964, the City of Los Angeles ("City") and the County of Los Angeles ("County") entered into An Agreement Establishing Terms For The Enforcement By The County In The City Of Los Angeles Of The County Public Health Code ("Agreement" or "City-County Public Health Agreement of 1964"); and

WHEREAS, the Agreement remains in effect today forty years later, having been automatically renewed from year to year by its terms until one of the parties provides written notice to terminate; and

WHEREAS, by the terms of the Agreement the City contracted with the County to provide those services the City determined should be delivered to City residents; and

WHEREAS, the mechanism for doing so was for the City to adopt into the Los Angeles Municipal Code those County health ordinances the City wished enforced;

WHEREAS, on September 14, 2004, the County adopted an ordinance amending the County Code, Title 11 – Health and Safety, relating to bathhouses and similar commercial establishments, to redefine bathhouses and similar commercial establishments as commercial sex venues; requiring each of the venues to obtain a public health facility permit from the Health Officer as a condition of operation; and authorizing the Health Officer to initiate sanctions, including suspension or revocation of the permit, if the venue fails to comply with the regulations; and

WHEREAS, prior to the adoption of said ordinance, the County consulted with members of the community, including persons living with HIV and AIDS, the County Commission on HIV Health Services, and patrons and owners of venues that would be affected by the ordinance; and

WHEREAS, prior to the adoption of said ordinance, the County also invited comment from the City and in particular the City's AIDS Coordinator's Office; and

WHEREAS, evidence exists that some patrons of commercial sex venues engage in high risk sexual contact that poses a significant risk for the transmission of the human immunodeficiency virus (HIV) as well as other sexually transmitted diseases, and that such high risk sexual contact poses an unacceptable public health risk; and

WHEREAS, all venues that would be subject to the County ordinance are located within the City of Los Angeles; and

WHEREAS, following enactment of its ordinance the County sent a letter to the City requesting adoption of said ordinance so as to authorize County enforcement of said ordinance within the City pursuant to the City-County Public Health Agreement of 1964; and

WHEREAS, in its transmittal letter of October 27, 2004, the City AIDS Coordinator's Office recommended adoption of said ordinance subject to three concerns; and

WHEREAS, the City and the County then reached mutually agreed upon resolutions to all three concerns; and

WHEREAS, the Mayor's AIDS Leadership Council in its December 2003 white paper *HIV and AIDS in Los Angeles: 21st Century Challenges and Approaches: A Report to the Mayor and City Council of Los Angeles* recognized the importance of City and County collaboration on issues of HIV prevention; and

WHEREAS, in its white paper the Mayor's Council also noted that the City "must ensure that all of the residents of Los Angeles who are at high risk for HIV transmission have access to the prevention programs and services that may prevent HIV infection," including "the use of appropriate prevention messages . . . in sex clubs, bathhouses and other public sex venues;" and

WHEREAS, the U.S. Centers for Disease Control and Prevention has urged state and local jurisdictions to take appropriate steps to help lower the rate of new HIV infections in the United States, which has held steady at approximately 40,000 new infections annually for the past ten years;

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 31.00(a)(1) of the Los Angeles Municipal Code is reformatted to read:

Sec. 31.00. Health Regulations.

(a) Incorporation of County Code Provisions

1. (A) The provisions of Division 1 of Title 11 of the Los Angeles County Code, entitled "Health Code," as amended to July 9, 1987, a copy of which is attached to Council File No. 86-1437 as Attachment "B" to the report of the City Attorney dated March 28, 1988, with the exception of Chapter 11.19 and Section 11.20.310 of Part 2 of Chapter 11.20 of Division 1 of said Title 11 fully express the will and intention of the Council of the City of Los Angeles as to those matters relating to public health which are contained therein, and are hereby adopted, except said Chapter 11.19 and Section 11.20.310 of Part 2 of Chapter 11.20, and are incorporated herein by reference.
- (B) Chapter 11.19 and Section 11.20.310 of Part 2 of Chapter 11.20 of Division 1 (entitled "Health Code"), of Title 11 of the Los Angeles County Code, as amended to July 9, 1987, do not express the Council's will and intention and are expressly not adopted by the City of Los Angeles.
- (C) The provisions of Sections 8.04.165, 8.04.225, 8.04.275, 8.04.337, 8.04.405, 8.04.405, 8.04.752, 8.04.755, 8.04.930 and 8.04.943 of Title 8 and the provisions of Chapter 11.11 of Title 11 of the Los Angeles County Code, as enacted by and referenced in Los Angeles County Ordinance 97-0071, effective January 16, 1998, fully express the will and intention of the Council of the City of Los Angeles as to those matters relating to public health which are contained therein, and are hereby adopted and are incorporated herein by reference. (Para. Added by Ord. 171,930, Eff. 4/3/98.)

Sec. 2. Section 31.00(a)(1) of the Los Angeles Municipal Code is further amended by adding the following paragraph:

- (D) The provisions of Chapter 11.04 of Title 11 of the Los Angeles County Code, as enacted by and referenced in Los Angeles County Ordinance 2004-0050, effective October 14, 2004, fully express the will and intention of the Council of the City of Los Angeles as to those matters relating to public health that are contained therein, and are hereby adopted and are incorporated herein by reference.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles at its meeting of MAR 23 2005.

FRANK T. MARTINEZ, City Clerk

By Frank T. Martinez

Deputy

Approved MAR 30 2005



Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By David I. Schulman
DAVID I. SCHULMAN
Deputy City Attorney

Date 3/23/05

Council File No. 04-2229

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176562 - Amending 31.00 of the L.A.M.C. auth enforcement within the City by the County of L.A. of its Commercial Sex Venue ordinance pursuant to the City-County Public Health Agreement of 1964 - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on March 23, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on April 1, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on April 1, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1st day of April 2005 at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: May 11, 2005 Council File No. 04-2229

(Rev. 3/21/03)