

ORDINANCE NO. 2025-14

AN ORDINANCE AMENDING THE MARINA MUNICIPAL CODE (MMC), CHAPTER 17, ARTICLE 5, SECTION 17.52.020 – DEFINITIONS, BY REMOVING THE PHRASE “MALE OR FEMALE IMPERSONATORS” FROM THE DEFINITION OF “ADULT CABARET”. THE PROPOSED ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES.

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THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS FOLLOWS:

1. The City Council of the City of Marina (City) acknowledges that male and female impersonation is now considered a respected form of comedic theatre and cultural expression. As a result, the City Council, at its July 1, 2025, meeting, requested that the Community Development Dept. (CDD) provide amendments to the Marina Municipal Code (MMC) that would remove “male and female impersonation” as a use defined in the Adult Businesses and Massage Therapists portion of the Marina Municipal Code (MMC), also known as, Section 17.52.020.
2. By removing this type of activity from this Section of the MMC and, thereby, the Adult Businesses and Massage Therapists Chapter, the City Council recognizes that this form of expression is considered simply to be artistic in nature and not subject to the other regulations found within MMC Section 17.52.
3. The proposed amendment consists of removing the phrase “male and female impersonators” from the definition of “Adult cabaret” in MMC Section 17.52.020 and is referenced herein as **Exhibit A**.
4. Furthermore, the Community Development Department is reviewing the entirety of MMC Section 17.52 for consistency with State law and the current goals of the City Council including inclusivity, cultural expression, and respect for everyone’s rights.
5. The proposed amendment to Chapter 17 of the MMC is consistent with Section 17.72 (Amendments).
6. At its regular noticed public hearing on August 28, 2025, the Planning Commission adopted PC Resolution 2025-10 (**Exhibit B**) recommending approval of the proposed amendment.

7. Environmental. The proposed Ordinance amendments are not subject to environmental review pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Section 15061(b)(3) because the proposed procedural changes would not result in a direct or a reasonably foreseeable indirect physical change in the environment and the proposed ordinance is covered by the general rule that CEQA applies only to projects which have potential for causing significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

8. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

9. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

10. Posting of Ordinance. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the three (3) public places designated by resolution of the City Council.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Marina duly held on September 16, 2025, and was passed and adopted at a regular meeting duly held on October 7, 2025, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

Exhibit A

(Deleted text is indicated with strikethrough)

Chapter 17.52 ADULT BUSINESSES AND MASSAGE THERAPISTS

Sections:

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17.52.020 Definitions.

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17.52.020 Definitions.

For the purpose of this chapter, the following definitions shall apply, unless the context otherwise requires:

“Adult bookstore” means an establishment in which fifty percent or more of either its floor area, inventory or monthly sales is devoted to stock, books, magazines, or other periodicals, films, videotapes, video discs, or other such electronic, magnetic, or other means of creating a moving image upon any screen, television, or other device, peep shows or other similar devices designed for use in individual viewing of films on the premises, which books, magazines, periodicals, films, videotapes, video discs, or other means, peep shows or similar devices are substantially devoted to the depiction of specified sexual activities or specified anatomical areas as defined herein.

“Adult businesses” means adult bookstore, adult motion picture facility, figure model studio, adult motel, adult cabaret, or massage establishment. However, a massage therapist business as defined in this section shall be excluded from the definition of adult businesses.

“Adult cabaret” means an establishment which features topless-bottomless dancers, go-go dancers, exotic dancers, strippers, ~~male or female impersonators~~, or similar entertainers.

“Adult motels” means any establishment designated as or having the characteristics of a hotel, motel, or other transient lodging facility which has or proposes to have as a feature or service offered to its customers the presentation or entertainment in the form of motion picture film, videotape, closed circuit television, or any other similar means or device which is substantially similar thereto and provided for the purpose of displaying, showing or depicting specified anatomical areas, as defined in this section for observation or viewing by persons who are customers of such establishments. This section shall apply whether charge is made or consideration exchanged for the use of rooms within such establishments for overnight accommodations or for short-term admission to view the material above described.