

## Heterosexual hot-tub spa closes over the new rules

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### Document Text

#### Head Varies

A heterosexual hot-tub spa has closed down in the wake of a county health department warning that also was given to five gay bathhouses and one other hot-tub center that certain types of sexual activity on the premises would be considered a public health hazard and must be stopped.

By certified letter on Feb. 12 and again, hand-delivered last week, health officer Dr. Donald Ramras notified the seven businesses of new requirements "to help prevent the spread of AIDS."

The owners of Ofuro Hot Tubs of Pacific Beach said the new requirements caused them to close Feb. 21 after attempts to comply with the county regulations sharply reduced their business.

Owners Michael and Elizabeth Schwartz began notifying patrons they would be under scrutiny at 15-minute intervals. "That cut our business way back," said Elizabeth Schwartz. "We got six couples on a Saturday night when we'd usually have 40."

"It's embarrassing to invade people's privacy like that," she said. "We didn't like it." The Schwartzes plan to open a restaurant.

The new county requirements for publicly licensed bathhouses prohibit more than one person in any private room, and call for proprietors to inspect the premises every 15 minutes, expelling any patrons engaging in anal or vaginal intercourse, or oral copulation with or without a condom.

Suzanne Revis, manager of The Tubs, a spa on El Cajon Boulevard, said she intends to comply with the county health regulations "to the best of our ability." But she emphasized that "what goes on at The Tubs -- mostly married heterosexual couples coming in together to relax -- is a lot different than what goes on at a gay bathhouse."

"I'm aware that some people want to close down gay bathhouses, but we're not a gay bathhouse. Unfortunately, the definition of bathhouse snagged us in. But we shouldn't be included."

Spokesmen for several gay bathhouses said they will not close down, and vowed to fight the county's action.

The rules set out in the letters to the seven businesses are similar to an ordinance adopted by the county Board of Supervisors on Feb. 9 banning gay bathhouses in unincorporated areas, where none now exist.

By proclaiming such activities a public nuisance, however, county health officials will try to regulate sexual activity within the city limits, much the same way they now close down a restaurant that is suspected of being the source of a disease

like hepatitis.

Ramras said that if bathhouse operators fail to comply, "It will be a matter for the courts. Courts will require proof, and we'll get that proof."

He refused to say how county officials will do so, but Ramras added that undercover inspections by county employees have not been excluded as a means of gathering evidence.

County officials have urged San Diego to adopt its own bathhouse ordinance, rather than relying on the county's declaration of public nuisance. They say city ordinances approved by an elected body have more clout than a county health officer's proclamation.

What's more, a city has the power to revoke the business license of a non-complying establishment, stopping the activity immediately while the case goes through the courts.

Bathhouse operators plan to resist the order.

"We're hiring a lawyer to do what we can to stop them," said Darl Edwards, owner of Club San Diego, one of the five gay bathhouses that received the letter.

Attorney Michael Crowley, who said he has been hired to represent Club San Diego and the Vulcan baths, said that if the county or the city goes to court to shut down his clients' business, he will oppose them.

"I don't think this issue is going to get a fair hearing politically," he said. "Because this is a political wind situation, everyone has made up their minds without looking at the facts of law."

The City Council is scheduled to vote within two weeks on an ordinance almost identical to the county's action of Feb. 9.

Credit: Staff Writer

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#### **Abstract** (Document Summary)

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