

[TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES\\*](#)

[DIVISION 1. BUSINESS REGULATIONS\\*](#)

[CHAPTER 9. AMUSEMENT DEVICES AND ESTABLISHMENTS](#)

## CHAPTER 9. AMUSEMENT DEVICES AND ESTABLISHMENTS

### SEC. [21.901](#). DEFINITIONS.

For the purpose of this chapter the following terms shall be defined as follows:

- (a) "ABC license" means a license to sell alcoholic beverages issued by the State Department of Alcoholic Beverage Control.
- (b) "Alcohol prohibited area" means a designated area, in an amusement establishment that has been granted an ABC License, where consumption of an alcoholic beverage is prohibited.
- (c) "Amusement device" means a machine, or apparatus, the operation or use of which is controlled, allowed or made possible by depositing or placing a coin, plate, disk, slug or key into a slot, crevice or other opening or by paying a fee for use as a game, contest or amusement of any description, the use or possession of which is not prohibited by any law of the State of California.
- (d) "Amusement establishment" means a commercially operated establishment having five or more amusement devices.
- (e) "Minors prohibited area" means a restricted area in an amusement establishment that prohibits the entry or presence of persons under the age of 21.

(Amended by Ord. No. 3049 (N.S.), effective 3-30-67; repealed and new Section added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 7163 (N.S.), effective 8-7-86; amended by Ord. No. 8963 (N.S.), effective 11-12-98; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

**Cross reference(s)**--Definitions, § [12.101](#) et seq.

### SEC. 21.902. LICENSE REQUIRED.

It shall be unlawful to operate an amusement establishment unless a license has been issued as required by section [21.101](#) et seq. of this code. The Sheriff shall be the Issuing Officer for any license required by this chapter.

(Added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 7163 (N.S.), effective 8-7-86; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

### **SEC. 21.903. ALCOHOLIC BEVERAGES PROHIBITED.**

(a) It shall be unlawful for the proprietor, manager, or employee of any amusement establishment to allow the consumption of any alcoholic beverage in an amusement establishment unless:

(1) The establishment has an ABC license type 61, 42 or 48.

(2) The establishment has an ABC license type 41 or 47, the establishment has designated an area where alcohol is prohibited and:

(A) The alcohol prohibited area is separated from the area where alcoholic beverages may be consumed, and

(B) All amusement devices in the amusement establishment are located in the alcohol prohibited area,

(C) The alcohol prohibited area is partitioned off with walls of no less than 8' high, with not more than two combination entrances/ exits that are no wider than 44" or minimum allowable per Uniform Fire Code, and

(D) The alcohol prohibited area is not part of or a path to or from public restrooms and is insulated from the general traffic to and from the area where alcoholic beverages may be consumed, and

(E) Each entrance to an alcohol prohibited area is clearly posted with a sign no less than 18 by 24 inches, on a white background and reading as follows: "Warning - Alcoholic beverages are prohibited in this area. Violation is a misdemeanor per San Diego County Code Section [21.903](#)."

(3) The establishment has an ABC license type 41 or 47, the establishment has designated a minors prohibited area and the entrance to the minors prohibited area is clearly posted with a sign at least 18 by 24 inches, on a white background, reading as follows: "Warning -- No person under 21 years of age allowed in minors prohibited area. Violation is a misdemeanor per San Diego County Code Section [21.903](#)."

(b) It shall be unlawful for:

(1) Any person to possess any alcoholic beverage in an alcohol prohibited area when the area is posted as required by Section [21.903\(a\)\(2\)\(E\)](#).

(2) Any person under 21 years of age to enter or be present in an alcohol prohibited area if the area is posted as required by section [21.903](#)(a)(3).

(3) The proprietor, manager or employee of a licensed amusement establishment to allow any person under 21 years of age to enter in or be present in an alcohol prohibited area.

(Added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 7163 (N.S.), effective 8-7-86; amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 8963 (N.S.), effective 11-12-98; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

**Cross reference(s)**--Alcoholic beverages in county parks, § 41.139; alcoholic beverage warning signs, § [61.401](#) et seq.

#### **SEC. 21.904. PERSONS INTOXICATED OR UNDER THE INFLUENCE OF DRUGS PROHIBITED.**

It shall be unlawful for any person to be in any establishment licensed pursuant to this chapter who is:

- (a) Under the influence of any controlled substance or
- (b) Is intoxicated.

(Added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 7163 (N.S.), effective 8-7-86; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.905. OPERATION OF ESTABLISHMENT.**

The proprietor, manager or employee of any licensed amusement establishment shall not allow any lewd or disorderly conduct, loud or unreasonable noise, fighting or profane language within the establishment and shall not allow any person under the influence of a controlled substance or alcoholic beverage to remain in or around the establishment or in any surrounding area of the establishment under the establishment's control.

(Added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 7163 (N.S.), effective 8-7-86; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.906. LICENSE FEE.**

An application for an amusement establishment license shall be accompanied by the fee set forth in the San Diego County Sheriff's Licensing Fee Ordinance.

(Added by Ord. No. 5200 (N.S.), effective 8-10-78; amended by Ord. No. 5737 (N.S.), effective 5-29-80; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8049 (N.S.), effective 5-7-92; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

**Cross reference(s)--**Sheriff's regulatory fees, § [21.1901](#).

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