

TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES\*

DIVISION 1. BUSINESS REGULATIONS\*

CHAPTER 21. ENTERTAINMENT ESTABLISHMENTS

## **CHAPTER 21. ENTERTAINMENT ESTABLISHMENTS**

### **SEC. 21.2101 . PURPOSE.**

The purpose of this chapter is to regulate entertainment establishments other than "adult entertainment establishments" regulated in sections [21.1801](#) et seq.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

### **SEC. 21.2102. DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply:

- (a) "Entertainment" means either or both "informal entertainment" or "professional entertainment" as defined below.
- (b) "Entertainment establishment" means any place, including an outdoor location, that provides members of the public with "entertainment" as defined in this chapter.
- (c) "Informal entertainment" means any performance of the type listed in the definition of "professional entertainment" below, to which the public is admitted, but without a professional entertainer participating, directing or conducting another person's participation.
- (d) "Mechanical music" means music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer.
- (e) "Professional entertainer" means a person who derives his livelihood by performing, directing or conducting entertainment in exchange for remuneration of any kind.
- (f) "Professional entertainment" means any act, play, review, pantomime, scene, song, show, concert, dance act, song and dance act, disc jockey show or other announcer accompanying pre-recorded music, poetry recitation, fashion show, style show, exhibition or any other performance of any kind in which a professional entertainer participates, directs or conducts another who participates and to which the public is admitted.

(Amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

### **SEC. 21.2103. ENTERTAINMENT ESTABLISHMENT LICENSE REQUIRED.**

- (a) It shall be unlawful for any person who owns, operates or manages an entertainment establishment to allow entertainment without an entertainment establishment license from the

Issuing Officer, unless the entertainment is exempt from the license requirement. The Sheriff shall be the Issuing Officer for license issued under this chapter. The fees for entertainment establishment licenses are set forth in section [21.1901](#).

(b) A Class I Entertainment Establishment License is required for an establishment that provides professional entertainment.

(c) A Class II Entertainment Establishment License is required for an establishment that provides informal entertainment.

(Added by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7603 (N.S.), effective 4-13-89; 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. 21.2104. ADDITIONAL GROUNDS FOR ISSUING OR DENYING A LICENSE.**

In addition to the grounds for issuing a new license or renewal license under sections [21.108](#)(a) and [21.109](#)(a), respectively, the Issuing Officer may also deny a new license or renewal license if within the last 5 years the applicant was convicted of any felony involving prostitution, pandering, gambling or the sale of firearms.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2105. NOTICE OF INCOMPLETE APPLICATION.**

An application for an Entertainment License shall be deemed complete after it is submitted to the Issuing Officer unless the Issuing Officer notifies the applicant in writing within 10 days that the application is incomplete. The notice shall state what the applicant must do to rectify the deficient application.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2106. OPERATING RULES.**

(a) It shall be unlawful for any entertainment establishment licensed pursuant to this chapter:

(1) To have any entertainment between the hours of 2:00 a.m. and 6:30 a.m. Mechanical music is, however, allowed during those hours.

(2) To allow the establishment to be used as a private club between the hours of 2:00 a.m. and 6:30 a.m.

(3) To allow any person to enter or remain in any establishment while under the influence of an alcoholic beverage or any drug.

(b) It shall also be unlawful for any person who is intoxicated or under the influence of any drug to enter any establishment licensed pursuant to this chapter or remain in the establishment after being told to leave.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2107. FACILITY REQUIREMENTS.**

An establishment licensed under this chapter shall comply with all applicable Fire Code and Building Code regulations for occupancy, places of assembly and interior, exterior and parking lot lighting. The establishment shall retain on file for inspection by any compliance officer an operations plan signed by the manager that provides the following:

- (a) The maximum occupancy of the establishment,
- (b) The configuration of tables, chairs, benches, stools and other furniture, when the establishment is occupied,
- (c) An acknowledgment that all exit doors will remain unlocked from the inside while the establishment is occupied, and
- (d) The name of each employee and the date the employee received training concerning the operations plan.

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2108. NUMBER OF EMPLOYEES.**

Every establishment licensed pursuant to this chapter having a capacity 200 persons or less shall have at least one employee constantly on duty when any member of the public is present before, during or after an entertainment performance and shall have one additional employee for each additional 100 persons of capacity, without regard to the number of persons in attendance. The employees shall be responsible to insure that the establishment is complying with this chapter and the terms of the license and that all patrons are complying with this chapter. The Issuing Officer may require additional employees or security personnel on a case by case basis as the Issuing Officer deems in the public interest.

(Amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2109. MANAGER REGISTERED WITH ISSUING OFFICER.**

No establishment licensed under this chapter shall allow entertainment to be performed unless an adult manager is present who has previously registered with and been approved by the Issuing Officer.

(Amended by Ord. No. 4542 (N.S.), effective 8-14-75; amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7603 (N.S.), effective 4-13-89; amended by Ord. No. 7666 (N.S.), effective 9-19-89; Ord. No. 7670 (N.S.), adopted 9-26-89, effective 10-26-89, supersedes Ord. No. 7666; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

#### **SEC. 21.2110. REGISTRATION FEE.**

The annual registration for an entertainment manager shall be accompanied by the fee set forth in the San Diego County Sheriff's Licensing Fee Ordinance.

(Added 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](#).

#### **SEC. 21.2111. EXEMPTIONS.**

(a) An organization that participates in a nonprofit community event licensed under sections [21.201](#) et seq. is exempt from the requirement to obtain a license under this chapter.

(Added by Ord. No. 7688 (N.S.), effective 12-21-89; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)