

TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES*

DIVISION 1. BUSINESS REGULATIONS*

CHAPTER 8. OUTDOOR ASSEMBLIES*

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***Note--**Chapter 8, Auctions and Auctioneers, Sections 21.801 through 21.819, repealed by Ord. No. 7198 (N.S.), effective 10-16-86; new Chapter 8, Outdoor Assemblages, Sections 21.801 through 21.826, added by Ord. No. 8655 (N.S.), effective 4-18-96.

SEC. 21.801. PURPOSE AND INTENT.

Unregulated outdoor events can endanger participants and attendees if the events do not provide adequate security, sanitary facilities, drinking water, first aid services, traffic control and other essential services. These events can also negatively impact area residents and businesses. This chapter provides for regulation of events expected to be attended by 350 persons or more to protect the health and safety of attendees, participants, neighbors and the general public. Events attended by less than 350 persons may be subject to other chapters of this code depending on the nature of the event.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

SEC. 21.802. DEFINITION.

"Outdoor assembly" means an outdoor event to which members of the public are invited or admitted and which the event organizer can reasonably expect the total number of attendees over the course of the event will be 350 persons or more. This section, however, does not apply to an event:

- (a) Conducted by the owner or tenant of a permanent facility for which the County has issued a use permit and the use permit authorizes the owner or tenant to conduct an outdoor assembly,
- (b) Conducted by a public agency on property it owns or controls, which is authorized pursuant to a permit, license, or lease to conduct the event, or
- (c) For which a permit has been issued pursuant to [Title 2, Division 1, Chapter 2](#) of this code.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

SEC. 21.803. LIMITS FOR EVENT.

An outdoor assembly license shall only be granted for consecutive days and no outdoor assembly license shall be for more than five days.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.804. LICENSE REQUIRED.

No person shall conduct an outdoor assembly as defined in Section [21.802](#) in the unincorporated area of the County unless a license has been obtained pursuant to this chapter. The Sheriff shall be the Issuing Officer for any license required by this chapter. An outdoor assembly license is subject to sections [21.101-21.117](#) and this chapter.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.805. APPLICATION.

An application for an outdoor assembly license shall be submitted on a form provided by the Issuing Officer at least 60 days before the proposed event.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.806. SUPPLEMENTS TO APPLICATION.

Every application shall be accompanied by the following:

(a) A plot plan showing:

(1) Each property on which the event, event parking, event staging and other incidentals uses for the event will occur.

(2) Each property within 700 feet from the exterior boundaries of each property where the event, event parking, event staging and other incidental uses for the event will occur.

(3) The location of all existing structures, all structures to be erected, including booths, portable lavatories, stages, water fountains, medical and first aid stations, security command center, parking areas and trash disposal facilities, on the property shown in response to subparagraph (1) above.

(4) The pathways for pedestrian access on the property shown in response to subparagraph (1) above.

(5) The routes for vehicle and pedestrian access in the area surrounding the property shown in response to subparagraph (1) above.

(b) A written statement from the owner or person in control of each property shown in paragraph (a)(1) above, authorizing the use of the property for the outdoor assembly.

(c) Proof of insurance coverage pre-approved by the Risk Management Division of the County Human Resources Department (Risk Management).

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.807. MANAGER REGISTRATION.

(a) An outdoor assembly for which a license is required by this chapter shall have an adult manager present at the event at all times when the event is being conducted. No person shall act as the manager of an outdoor assembly unless he has registered with and been approved by the Issuing Officer.

(b) No person shall employ a manager of an outdoor assembly unless the Issuing Officer has approved the manager's registration.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.808. SECURITY PERSONNEL.

An outdoor assembly shall have a minimum of three (3) security personnel in attendance at all times for up to 350 attendees. An outdoor assembly that is projected to exceed 350 attendees at any time shall have present a minimum of one additional security person for each, up to 100 additional attendees, projected to be present at the event. The Issuing Officer may, as a condition to issuing the license for the assembly, require more than the minimum security personnel, if the Issuing Officer determines that additional security personnel are necessary to protect the health and safety of attendees and/or the community.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

SEC. 21.809. PERSON INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.

It shall be unlawful for any person who is intoxicated or under the influence of any controlled substance to be present at any outdoor assembly. No person who conducts or assists in conducting an assembly shall allow a person who is intoxicated or under the influence of a controlled substance to be admitted to or to remain at an outdoor assembly.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.810. PEACE OFFICERS AND REGULATORY OFFICIALS TO BE ALLOWED TO INSPECT.

Any peace officer, fire official, health or safety inspector, County code enforcement officer or any other public officer having regulatory responsibility for any activity occurring at an outdoor assembly shall be allowed access to the property where the assembly is occurring for the purposes of conducting an inspection. (Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.811. ADDITIONAL APPROVALS.

An applicant for an outdoor assembly license shall be responsible to obtain all other required licenses, permits, and approvals from all federal, State and local entities before a license for an outdoor assembly may be granted.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.812. SEPARATE LICENSES NOT REQUIRED.

(a) If any of the following activities are a part of an event for which the County issued an outdoor assembly license and take place on the same property as the event, a separate license for the activity is not required:

- (1) Public dances, regulated under sections [21.2201](#) et seq.,
- (2) Teen-age dances, regulated under sections [21.2301](#) et seq.,
- (3) Entertainment, regulated under sections [21.2101](#) et seq., and
- (4) Temporary stands, regulated under sections [21.501](#) et seq.

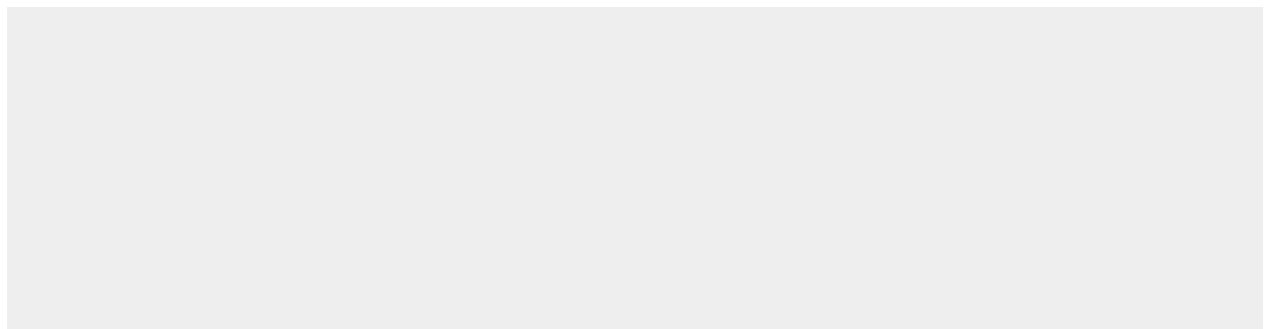
(b) Notwithstanding paragraph (a) above, no music of any kind shall be allowed at an outdoor assembly between the hours of 2:00 a.m. and 6:30 a.m.

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

SEC. 21.813. INSURANCE.

An applicant for an outdoor assembly license shall provide the Issuing Officer with proof of comprehensive general liability insurance coverage that insures the licensee, all entertainers, vendors, solicitors and all other event participants against loss resulting from liability for damages for bodily injury or death, and property damage arising from the event. The insurance policy shall be issued by a company authorized to transact insurance business in the State of California and shall name the County of San Diego and its officers, employees and agents as additional insureds. Risk Management shall determine the amount of insurance necessary based upon its determination of the risks presented by the event.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)



SEC. 21.814. SITE RESTORATION.

If the licensee fails to clean and restore any property the County owns, leases or has an easement over to its pre-event condition the County may clean and restore the property and require the licensee to pay the costs the County incurs. The County may consider the licensee's failure to clean and restore any property, including property owned by others, after the event in denying a subsequent license application or conditioning a grant of a subsequent license upon posting security in an amount the County determines is appropriate based upon the licensee's prior failure. Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.815. ADDITIONAL GROUNDS FOR DENYING LICENSE.

(a) In addition to denying a license based upon the criteria in section [21.108](#) the Issuing Officer may deny a license for an outdoor assembly if it determines the outdoor assembly will cause one or more of the following that the applicant cannot likely mitigate against:

(1) An increase of the amount of pedestrian and vehicular traffic that will present a threat to public health or safety to residents and others in the vicinity where the event is proposed to occur.

(2) The event will require diverting a significant number of law enforcement personnel from their normal duties that will likely prevent reasonable law enforcement protection to the community in the area where the event is proposed.

(b) The Issuing Officer may also deny a license for an outdoor assembly if the applicant failed to abide by the terms of a previously issued outdoor assembly license and is unable to satisfactorily demonstrate that it would comply with the terms of an outdoor assembly license if the license were to be issued.

(c) If the Issuing Officer denies an applicant a license for an outdoor assembly it shall follow the procedures under section [21.110](#). An applicant denied a license under this chapter may appeal by following the appeal procedure provided in sections [21.110\(a\)](#) and [21.116](#).

(d) If the Issuing Officer determines the applicant is entitled to the license, the Issuing Officer shall issue the license within 30 days after it received a completed application.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.816. LICENSE CONDITIONS.

The Issuing Officer may grant an outdoor assembly license subject to certain conditions as it finds necessary to accomplish the purposes of this chapter.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.817. VIOLATION -- LICENSE SUSPENSION AND REVOCATION.

If the Issuing Officer determines a licensee is not complying with license conditions or is conducting an outdoor assembly in a manner that threatens the health or safety of any person, the Issuing Officer may immediately revoke the license, suspend the licensee's right to operate during certain hours or on certain days and/or may allow the licensee to continue to operate subject to additional conditions. The Issuing Officer's decision under this section to revoke, suspend or impose a condition to the license is not appealable.

(Added by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

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