

Article 3: Police Regulated Occupations and Businesses**Division 16: Commercial Amusement Establishments
and Assemblages and Devices**

(“Amusement Establishments and Devices”
retitled 2-23-1987 by O-16812 N.S.)

**§33.1600 Commercial Amusement Establishments and Commercial Recreational
Assemblages — Regulated**

- (a) Purpose and Intent — The Council of the City of San Diego finds that commercial amusement establishments present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with an attendant adverse public safety impact on the surrounding business and residential community. Therefore, it is the purpose and intent of this Division to regulate commercial amusement establishments not otherwise specifically regulated in this Article as police regulated businesses, and to require the operators as a condition of the issuance of a *permit* to be responsible for patron conduct upon and in the vicinity of the establishment and to make adequate provisions for security, crowd control and patron conduct so as to curb and minimize disturbances as a result of the operation of the *premises*.
- (b) Definitions - The term “commercial amusement establishment” shall refer to any business establishment to which the general public is invited to participate in games of skill or chance, and which charges an admission fee or playing charge. Such establishments include, but are not limited to the following illustrative types of amusement businesses: arcades, bowling alleys, pool rooms, billiard parlors, shooting galleries, skating rinks, and the like.
- (c) Regulation - It shall be unlawful to operate a commercial amusement establishment without a police *permit*. Such *permit* issued pursuant to this Division shall be issued pursuant to the conditions specified herein, whether of general application, or of specific application to a particular type of amusement.
- (d) The issuance of a police *permit* to operate a commercial amusement establishment shall authorize the conduct of any amusement business or combination thereof specifically regulated under this Division, with the proviso that the operator or other responsible person, as defined in this Article,

shall comply with all requirements applicable to each category of regulated amusement located at the premises and the requirements of Section 33.1670.
(Amended 11-20-2000 by O-18887 N.S.)

§33.1601 Shooting Gallery — Regulated

- (a) It is the purpose and intent of the Council that the operations of shooting galleries should be regulated for the protection of the public and the preservation of the peace of the community.
- (b) “Shooting Gallery” within the meaning of this Division means any establishment where any game of skill or chance which utilizes a gun, whether real or simulated, in combination with any target movable or immovable, is located.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1601.1 Shooting Gallery — Hours of Closing

- (a) It is hereby declared unlawful for any shooting gallery in the City of San Diego to be open or kept open between the hours of 12:00 o’clock midnight on Saturday and 10:00 o’clock a.m. on Sunday, and between the hours of 11:00 o’clock p.m. on each and every day of the week other than Saturday and 10:00 o’clock a.m. of the following day, except that
 - (b) where such shooting gallery is conducted wholly within a permanent building in such a manner as to prevent the emission of noise without such building, it shall be unlawful for any shooting gallery in the City of San Diego to be open or kept open between the hours of 2:00 o’clock a.m. and 6:00 o’clock a.m.
- (“Shooting Gallery — Hours of Closing” added 10-30-1969 by O-10167 N.S.)*

§33.1601.2 Shooting Gallery — Regulated

The Chief of Police is hereby authorized and empowered to issue a permit to the owner or person in charge, as the agent or servant of the owner of an indoor shooting gallery, as defined in subsection (b) of Section 33.1601.1 of this Code, to remain open and/or for playing to continue herein after 2:00 a.m. for special occasions upon such terms, under such conditions and for a limited number of days, as deemed advisable.

(Formerly titled “Shooting Gallery — Exceptions of Hours of Play” retitled and amended 2-23-1987 by O-16812 N.S.)

§33.1601.3 Shooting Gallery — Permit Required

- (a) It shall be unlawful for any persons owning or being in charge, as the agent or servant of the owner of a shooting gallery or the business conducted therein, to operate said gallery without a permit issued pursuant to this Article.
- (b) If such shooting gallery utilizes an “explosive” cartridge containing gunpowder and/or a “firearm” as defined in Section 53.10 of this Code, the Chief of Police, shall make such investigation as may be deemed to be sufficient to determine if the method of operation of the proposed shooting gallery is consistent with the safety of the public.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1610 Poolroom, Billiard Hall — Purpose of Regulations — Hours of Closing

- (a) It is the purpose and intent of the Council that the operations of poolrooms should be regulated for the protection of the public, especially the youth of the City, and the preservation of the peace of the community. A poolroom or billiard hall is defined as any establishment where five (5) or more coin operated or standard pool or billiard tables are installed.
- (b) It is hereby declared to be unlawful for any owner, manager or responsible person in charge, of any poolroom or billiard hall to keep or permit the same to remain open between the hours of 2:00 a.m. and 6:00 a.m.; provided, however, that if pool or billiard tables are kept in connection with another lawful business or pastime permitted by law to remain open until a later hour, said pool or billiard tables in a licensed poolroom or billiard hall must be covered between 2:00 a.m. and 6:00 a.m., and no play thereon permitted.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1610.1 Hours of Play

It is further declared to be unlawful for any person to play, cause to be played, or permit to be played pool, billiards, or any similar game in any poolroom or billiard hall, in said City, between the hours of 2:00 a.m. and 6:00 a.m.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1610.2 Minor Loitering in Billiard or Pool Hall — Prohibited

It shall be unlawful for any person under the age of sixteen (16) years, to visit, enter, or loiter in any billiard room or poolroom in the City of San Diego, unless said person

is accompanied by his or her parent or legal guardian who is at least eighteen (18) years of age.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1610.3 Proprietor Permitting Minor Loitering in Billiard or Pool Hall — Prohibited

It shall be unlawful for any proprietor, manager, or responsible person in charge of any billiard room or poolroom in the City of San Diego to allow any person under the age of sixteen (16) years to visit, enter or loiter in such place unless said person is accompanied by his or her parent or legal guardian who is over the age of eighteen (18) years.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1615 Bowling Alleys — Hours of Closing

It is hereby declared to be unlawful for any person or persons owning or being in charge, as the agent or servant of the owner, of a bowling alley, or the business conducted therein, to keep or permit the same to remain open between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M., in The City of San Diego; provided, however, that no outdoor bowling alley shall remain open or play be permitted thereon between the hours 12:00 o'clock midnight and 6:00 o'clock A.m. in The City of San Diego.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2329 N.S. adopted 12-16-1941.)

§33.1615.1 Hours of Play

It is further declared to be unlawful for any person to play, cause to be played, or permit to be played, the game of bowling, in The City of San Diego, between the hours of 2:00 o'clock A.M. and 6:00 o'clock A.M.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2329 N.S. adopted 12-16-1941.)

§33.1615.2 Exceptions to Hours of Play

The Chief of Police is hereby authorized and empowered to issue a permit to the owner or person in charge, as the agent or servant of the owner of an indoor bowling alley, to remain open and/or for playing to continue therein after 2:00 a.m. for special occasions upon such terms, under such conditions and for a limited number of days, as deemed advisable.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1620 Circus, Carnival, Rodeo — Regulated

It shall be unlawful for any person to conduct, operate or maintain any circus, carnival, rodeo or similar entertainment or exhibition at any single location or address in the City of San Diego without a permit, and for any period of time or periods of time in excess of a total of fifteen (15) days within any six (6) months period of time.
(Amended 2-23-1987 by O-16812 N.S.)

§33.1635 Arcade License Approval Required by Chief of Police

No person shall conduct or operate any arcade within the City of San Diego, without a police permit. As used herein, an "Arcade" is any establishment (other than a pool hall or billiard hall defined in Section 33.1610) open to the public with six or more games of skill or amusement defined in Section 33.1641 installed on the premises. An arcade includes any lawful business establishment not otherwise police regulated that installs six or more games of skill or amusement.

(Retitled to "Arcade License Approval Required By Chief of Police" and amended 2-23-1987 by O-16812 N.S.)

§33.1636 Theaters, Revues — and Other Commercial Recreational Assemblages

No person shall conduct or carry on any theater, show or revue, or any other commercial recreational assemblage within the City of San Diego without a license approved by the Chief of Police.

(Retitled to "Theaters, Revues— and Other Commercial Recreational Assemblages" and amended 2-23-1987 by O-16812 N.S.)

§33.1637 Commercial Amusement Prohibited within 300 Feet of Schools

After the effective date of this Code, no license shall be issued to any person to operate any such commercial amusement within three hundred (300) feet of any school.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-3179 N.S. adopted 5-14-1946.)

§33.1638 Prohibited Conduct

It is unlawful for any *responsible person* in any commercial amusement establishment licensed herein, to operate any gambling game or to permit any lewd conduct or obscene material in or about or in connection with the general operation of such premises, or to permit the sale or consumption of any alcoholic beverage on *premises* not specifically licensed for such sale or consumption or to harbor, admit or

receive or to permit to be or remain in or about such place any lewd person of either sex, any intoxicated or disorderly person or any person under the influence of intoxicating liquors, or any person whose conduct while present in said premises creates a violation of any of the provisions of the Code of this City or the State of California, or which in any way materially interferes with the proper management or control of such commercial premises. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(Amended 11-20-2000 by O-18887 N.S.)

§33.1641

Games of Skill or Amusement — Definitions and Regulation

The term “game of skill or amusement” for the purpose of this Article is hereby defined to mean and include any mechanical, electrical, electronic, or video machine, device or apparatus, or combination thereof, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the State of California. This definition shall include video games which generate or display a computer or electronically created image on a screen, but shall exclude “peep show devices” as defined in Section 33.3302.

The phrase “any place in the City of San Diego open to the public” shall include clubs, headquarters and meeting places of fraternal or other societies, associations and bodies.

The Chief of Police may inspect such games of skill or amusement or their plans to ensure that such games are not in violation of any other provision of law.

(Amended 7-23-1990 by O-17498 N.S.)

§33.1645.1

Minors on Premises after 10:00 P.M. Prohibited

It shall be unlawful for the owner, proprietor, manager or other responsible person in charge of any place licensed under the provisions of this Division, or for any employee of such amusement establishment to harbor, admit, receive or permit to be on or remain in or about such place after 10:00 p.m., any minor under the age of eighteen (18) years, unless such minor is accompanied by his or her parent, spouse, or legal guardian or an adult who has been authorized by a parent, spouse or legal guardian at least eighteen (18) years of age.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1650 Licenses Nontransferable

No license issued under the terms of this Division shall be transferable from one person to another.

Each amusement device operated in any such amusement establishment shall be registered with the Police Department; and no amusement device operated in such commercial amusement establishment shall be charged, nor shall the place of operation of any such amusement device be changed without first registering the same with the Chief of Police and receiving his approval therefor.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-3179 N.S. adopted 5-14-1946.)

§33.1660 Inspection by Chief of Police Department

It shall be the duty of the Chief of the Police Department to make or cause to be made regular inspections of any amusement arcade; amusement park; billiard or pool hall; bowling alleys; burlesque theater; girl show or revue; motion picture theater, except those theaters exhibiting films which bear the seal of approval of the Motion Picture Producers and Distributors Association and the authorized serial registration number of the National Board of Review; on-sale liquor establishment; penny arcades; picture arcade or gallery; skating rink; or any other commercial place of amusement or commercial place of recreational assemblage within the City of San Diego and shall have free access at all times to any establishments as provided for herein, and he is authorized to seize any motion picture or film, poster or exhibit, the exhibition and display of which is by this Chapter prohibited, in the possession or under the control of the person arrested, and deliver the same to the magistrate before whom the person arrested is required to be taken.

(Amended 11-5-1964 by O-9114 N.S.)

§33.1670 Responsibility for Patron Conduct

- (a) As a condition of the issuance of a police *permit* to operate a commercial amusement establishment, the owner or operator or other *responsible person* shall: 1) Observe all laws applicable to noise abatement, particularly those contained in Chapter 5 of this Code; 2) Control the conduct of patrons so as to prevent or minimize the incidence of disorderly or unlawful conduct by such patrons upon the *premises* or immediately adjacent thereto and within a distance of 100 feet measured in a straight line from the nearest edge of the building or property line of the licensed *premises*; 3) Cause the orderly dispersal of persons from the vicinity of the regulated *premises* at closing time and not allow them to congregate in a disorderly fashion. The repeated failure

of the management of the regulated premises to take reasonable steps to control patron conduct or to take adequate precautions to curb such disorders or conduct during the hours of operation of the *premises* or at closing time after written notice of such violation has been provided to management shall be grounds for the suspension or revocation of the *permit* issued under this Division. It shall be competent to show that three or more written notices were sent to the management within a one-year period outlining the nature of the violations and those acts or omissions on the part of management which contributed to the patron misconduct, or which represented the failure of management to take reasonable steps to prevent or minimize such disturbances.

- (b) The Chief of Police shall be further authorized to require the employment of a sufficient number of security personnel to provide crowd control during the event and dispersal at the conclusion thereof, based on the nature of the event, the number in attendance, the ages of the patrons, the potential for disorderly conduct, the nature of the surrounding neighborhood and the likelihood of interference from other sources or businesses in the area, and such other factors as the Chief of Police may determine to be particularly applicable to the regulated event or premise.
- (c) The Chief of Police is hereby authorized to cause a regulated commercial amusement establishment to close down operations and disperse all patrons for the remainder of the daily operation whenever disorderly patron conduct shall reach a magnitude as to present a clear threat to the public safety and well-being of the patrons and general public in the vicinity.
- (d) This section is regulatory only.

(Amended 11-20-2000 by O-18887 N.S.)