

(O-2001-9)

ORDINANCE NUMBER O- 18889 (NEW SERIES)

ADOPTED ON NOV 20 2000

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 7, ENTITLED "PROMOTERS," AND SECTIONS 33.0701, 33.0702, 33.0703, 33.0704, 33.0705, 33.0706, AND 33.0707 RELATING TO PROMOTERS.

WHEREAS, the proposed amendments are intended to make the Municipal Code easier to read; to avoid duplicating definitions in each division; to rely on Chapter III, Article 3, Divisions 1 through 5, for rules which apply to all businesses governed by Chapter III, Article 3 of the Municipal Code, rather than repeating the rule in each division; to avoid duplicating or conflicting with other regulations governing these businesses; and to rely on Division 1 and Chapter I, Article 1, as appropriate, including the severability clause contained in Section 11.0205; and

WHEREAS, the Council of The City of San Diego takes legislative notice of the contents of the San Diego Vice and Licensing Task Force Report (June, 1996) and its accompanying oral and documentary evidence as presented before the Public Safety and Neighborhood Services Committee and the Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code is hereby amended by adding Division 7, entitled "Promoters," and Sections 33.0701, 33.0702, 33.0703, 33.0704, 33.0705, 33.0706, and 33.0707, to read as follows:

DIVISION 7

Promoters

SEC. 33.0701 Purpose and Intent

It is the purpose and intent of this Division to provide for the regulation of *promoters*, to control the potential for excessive noise and disorderly conduct by patrons who attend events sponsored by *promoters*, to protect the public from illegal promotions, to ensure public safety during promoted events, and to hold *promoters* accountable for insuring a safe, legal event.

SEC. 33.0702 Definitions

For purposes of this Division:

"*Promoter*" means a *person* who contracts for or arranges a *venue* to provide any police-regulated activity, and who is responsible for or organizes the presentation of the activities or events. *Promoter* does not include the *permittee* of a licensed police-regulated business when the *permittee* is contracting directly for services from another for an event at the *venue* owned by the *permittee*.

"*Venue*" means any location where the general public is invited for the purpose of viewing or engaging in any police-regulated activity.

SEC. 33.0703 Permit Required

It is unlawful to operate as a *promoter* without a *police permit*.

SEC. 33.0704 Information to Be Submitted to Chief of Police

The *promoter* of any police-regulated activity shall provide the following information to the *Chief of Police* a minimum of fifteen calendar days prior to an

event:

- (a) the date and time of the event;
- (b) the expected attendance;
- (c) the name of the entertainer or entertainment group;
- (d) proof that security requirements pursuant to this Division will be met;
- (e) name and phone number of two persons supervising the on-site

activity;

- (f) age group of attendees; and
- (g) whether alcohol will be served.

SEC. 33.0705 General Provisions

The *Chief of Police* may require a sufficient number of security guards to provide crowd control in accordance with Section 33.0107.

SEC. 33.0706 Obligation to Ensure Compliance with Law

The *promoter* is responsible for taking all reasonable steps to ensure that the activity and patrons comply with all laws, including this Code and the Alcoholic Beverage Control Act, when applicable.

SEC. 33.0707 Exemptions

Promoters of theatrical, athletic, educational religious, civic, charitable, political, and other similar events are exempt from this Division. *Promoters* of circuses, rodeos, carnivals and other similar events are exempt from the Division. *Promoters* who are exempt from taxation pursuant to Section 501(c)3 of the Internal Revenue Code are exempt from this Division.

Obtaining a special events permit does *not* exempt the *promoter* from obtaining a *promoter's permit*.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By Mary T. Nuesca
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Deputy City Attorney

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