

ORDINANCE NUMBER O- 21931 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 21 2025

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 60, SECTIONS 22.6001, 22.6002, 22.6003, 22.6004, 22.6005, 22.6006, AND 22.6007 RELATING TO LIVE EVENT WORKER SAFETY.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. Residents of the City of San Diego (City) and tourists enjoy live music, theater, dance, cultural, and other live events year-round at the City's many event venues located in City-owned or operated facilities and parks.
- B. The City has a compelling and vested interest in the safety and health of live event workers, performers, and the public attending these events.
- C. Private companies such as Live Nation, Cirque du Soleil, AEG Live, and many others often contract with public venues to produce live events ranging from concerts and music festivals to smaller cultural productions.
- D. The creation and operation of these live events often involve complex audiovisual equipment and electrical systems, including lighting and sound systems, video walls, and other scenic elements.
- E. Live event workers are responsible for the setup, operation, and teardown of such equipment across various venues, including those within City facilities and parks, as defined in this Ordinance.

F. Venues within City facilities, as defined in this Ordinance, include Petco Park, Pechanga Arena San Diego, San Diego Convention Center, San Diego City Concourse, Civic Theatre, and portions of Civic Center Plaza.

G. Venues within City parks, as defined in this Ordinance, include venues such as SeaWorld located within Mission Beach and the San Diego Zoo located within Balboa Park.

H. As of 2024, the entertainment industry lacks universal standards and requirements to prevent or reduce the occurrence of accidents.

I. The risk of workplace hazards and accidents is aggravated by the absence of such requirements and regulations at the state and local level.

J. In the past three years, the state of California and the County of San Diego have adopted workplace standards and requirements for live events at their respective venues.

K. The purpose of this Ordinance is to reduce the risk of workplace safety hazards, including those that may occur during setup, operation, or teardown of complex equipment at live entertainment events occurring at City facilities and parks, as defined in this Ordinance.

L. The regulations and requirements set forth in this Ordinance are directly related to the City's objective in protecting the health, safety, and welfare of its residents, businesses, and visitors.

M. The provisions of Chapter 1, Article 2 of the San Diego Municipal Code, including the enforcement of judicial and administrative remedies, shall apply to this Ordinance.

N. The Office of the City Attorney has drafted this Ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. That Chapter 2, Article 2 of the San Diego Municipal Code is amended by adding Division 60, sections 22.6001, 22.6002, 22.6003, 22.6004, 22.6005, 22.6006, and 22.6007 to read as follows:

Chapter 2

Government

Article 2: Administrative Code

Division 60: Live Event Worker Safety

§22.6001 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

City facility has the same meaning as in San Diego Municipal Code section 22.4205.

Complex live event means live music, theater, dance, or cultural productions, or other live productions that involve the temporary setup, *operation*, or teardown of *non-permanent rigging, large portable power distribution systems*, or both. The setup, *operation*, or teardown of *non-permanent rigging* does not include freight handling or the transportation of heavy equipment.

Contract for production means an agreement between a *contracting entity* and a *live event vendor* to produce a *complex live event* within any *City facility* or *park*.

Contracting entity means a person that contracts with a *live event vendor* to produce a *complex live event* within any *City facility* or *park*.

Entertainment Technician Certification Program means the industry and labor nongovernmental program of the Entertainment Services and Technology Association that grants certification to a worker who has demonstrated mastery as an entertainment technician.

Large portable power distribution system means a movable system that can distribute power at 100 amps or greater.

Live event vendor means an employer that contracts to produce a *complex live event*.

Non-permanent rigging means a movable system of equipment, which is automated or fixed, used for overhead suspension of portable audiovisual equipment, including audio, video, lighting, backdrops, scenery, trusses, and other effects, equipment, or props.

Operation means to control the functioning of effects on an event set, including lighting, sound, pyrotechnics, machinery, electrical apparatus, scenery, audiovisual, or rigging.

OSHA-10 course means the United States Department of Labor's Occupational Safety and Health Administration's 10-hour course on workplace health and safety, and includes the United States Department of Labor's Occupational Safety and Health Administration's OSHA-10/General Entertainment Safety 10-hour course on workplace health and safety specific to the entertainment and exhibition industries, and the Cal/OSHA-10 10-hour course offered by an OSHA Training Institute Education Center-authorized training provider.

OSHA-30 course means the United States Department of Labor's Occupational Safety and Health Administration's 30-hour course on workplace health and safety, and includes the United States Department of Labor's Occupational Safety and Health Administration's OSHA-30/General Entertainment Safety 30-hour course on workplace health and safety specific to the entertainment and exhibition industries, and the Cal/OSHA-30 30-hour course offered by an OSHA Training Institute Education Center-authorized training provider.

Park has the same meaning as in San Diego Municipal Code section 63.0102(b).

Retaliate means any threatening, intimidating, or harassing conduct or adverse employment action against an employee, subcontractor, or subcontractors' employee for engaging in conduct specified in San Diego Municipal Code section 22.6003.

Supervisors means any employee, employed in an occupation that may be certified by the *Entertainment Technician Certification Program*, who leads, supervises, or directs one or more employees in that same occupation.

§22.6002 Contracting Entity and Live Event Vendor Requirements

- (a) A *contracting entity* shall use a written *contract for production*.
- (b) A *live event vendor* shall confirm both of the following before any work on a *complex live event* within a *City facility* or *park* begins:
 - (1) any employees of a *live event vendor*, including any subcontractors' employees, involved in the setup, *operation*, or teardown of *non-permanent rigging, large portable power distribution systems*, or both, completed the *OSHA-10 course*; and

- (2) any *Supervisors* of employees described in section 22.6002(b)(1), including any subcontractors' *supervisors*, completed the *OSHA-30 course*, and are certified through the *Entertainment Technician Certification Program* for the work performed within the applicable trade.
- (c) A *contracting entity* shall require that a *live event vendor* provide to the *contracting entity* both of the following before any work on a *complex live event* within a *City facility* or *park* begins:
 - (1) the names of all employees described in section 22.6002(b); and
 - (2) the course or certification the employee described in section 22.6002(b) completed and the date of completion or certification.
- (d) A *live event vendor* shall maintain a written record of the information provided under section 22.6002(c) for a minimum of two years. The *live event vendor's* failure to retain a written record, or the *live event vendor's* failure to allow the Enforcement Official described in San Diego Municipal Code section 22.6005 reasonable access to the written record, creates a rebuttable presumption that the *live event vendor* has violated section 22.6002(d).
- (e) The requirements of section 22.6002 shall not apply to any City employee while in the performance of their duties.

§22.6003 Retaliation Prohibited

A *contracting entity* or *live event vendor* shall not *retaliate* against an employee, subcontractor, or subcontractors' employee, for informing any person of the

requirements in this Division, or reporting, cooperating with an investigation regarding, communicating with any person about, or participating in any administrative or judicial action regarding a violation or alleged violation of this Division.

§22.6004 Live Event Vendor Posting Requirements

- (a) A *live event vendor* shall post a notice informing employees involved in the setup, *operation*, or teardown of a *complex live event* of the requirements and retaliation prohibitions in San Diego Municipal Code sections 22.6002 and 22.6003 in either:
 - (1) a conspicuous place where any employee, or subcontractors' employee, is involved in the setup, *operation*, or teardown of a *complex live event*; or
 - (2) a place established by the *contracting entity* for posting notices for employees at the *City facility* or *park*.
- (b) A *live event vendor* shall post the notice required in section 22.6004(a) in English, and any other language spoken by five percent or more of the employees, or subcontractors' employees, involved in the setup, *operation*, or teardown of a *complex live event*.

§22.6005 Enforcement Authority

- (a) The City Manager or designee is authorized to administer and enforce this Division.
- (b) The City Manager is authorized to develop policies and procedures regarding the enforcement of this Division.

§22.6006 Stricter Safety Standards

This Division does not prevent or limit an employer, *contracting entity*, or *live event vendor* from adopting stricter safety standards.

§22.6007 Other Training


Nothing in this Division relieves an employer from conducting any other training required by law, including Title 8 of the California Code of Regulations, and any other applicable occupational safety and health laws or regulations.

Section 2. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 3. This Ordinance applies to any contract for production, as defined by this Ordinance, executed, amended, or extended after the effective date of this Ordinance.

Section 4. This Ordinance will take effect and be in force on July 1, 2025, or thirty days after final passage of this Ordinance, whichever is later.

APPROVED: HEATHER FERBERT, City Attorney

By 
Alma Robbins
Deputy City Attorney

AR:nja
11/13/2024
Or. Dept: Council District – 7
Doc. No. 3949600

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on
MAR 11 2025.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/21/2025
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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Chapter 2

Government

Article 2: Administrative Code

Division 60: Live Event Worker Safety

§22.6001 **Definitions**

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

City facility has the same meaning as in San Diego Municipal Code section 22.4205.

Complex live event means live music, theater, dance, or cultural productions, or other live productions that involve the temporary setup, operation, or teardown of non-permanent rigging, large portable power distribution systems, or both. The setup, operation, or teardown of non-permanent rigging does not include freight handling or the transportation of heavy equipment.

Contract for production means an agreement between a contracting entity and a live event vendor to produce a complex live event within any City facility or park.

Contracting entity means a person that contracts with a *live event vendor* to produce a *complex live event* within any *City facility* or *park*.

Entertainment Technician Certification Program means the industry and labor nongovernmental program of the Entertainment Services and Technology

Association that grants certification to a worker who has demonstrated mastery as an entertainment technician.

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Live event vendor means an employer that contracts to produce a *complex live event*.

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industries, and the Cal/OSHA-10 10-hour course offered by an OSHA Training Institute Education Center-authorized training provider.

OSHA-30 course means the United States Department of Labor's Occupational Safety and Health Administration's 30-hour course on workplace health and safety, and includes the United States Department of Labor's Occupational Safety and Health Administration's OSHA-30/General Entertainment Safety 30-hour course on workplace health and safety specific to the entertainment and exhibition industries, and the Cal/OSHA-30 30-hour course offered by an OSHA Training Institute Education Center-authorized training provider.

Park has the same meaning as in San Diego Municipal Code section 63.0102(b).

Retaliate means any threatening, intimidating, or harassing conduct or adverse employment action against an employee, subcontractor, or subcontractors' employee for engaging in conduct specified in San Diego Municipal Code section 22.6003.

Supervisors means any employee, employed in an occupation that may be certified by the Entertainment Technician Certification Program, who leads, supervises, or directs one or more employees in that same occupation.

§22.6002 Contracting Entity and Live Event Vendor Requirements

- (a) A contracting entity shall use a written contract for production.
- (b) A live event vendor shall confirm both of the following before any work on a complex live event within a City facility or park begins:

 - (1) any employees of a live event vendor, including any subcontractors' employees, involved in the setup, operation, or

- teardown of non-permanent rigging, large portable power distribution systems, or both, completed the OSHA-10 course; and
- (2) any Supervisors of employees described in section 22.6002(b)(1), including any subcontractors' supervisors, completed the OSHA-30 course, and are certified through the Entertainment Technician Certification Program for the work performed within the applicable trade.
- (c) A contracting entity shall require that a live event vendor provide to the contracting entity both of the following before any work on a complex live event within a City facility or park begins:
- (1) the names of all employees described in section 22.6002(b); and
- (2) the course or certification the employee described in section 22.6002(b) completed and the date of completion or certification.
- (d) A live event vendor shall maintain a written record of the information provided under section 22.6002(c) for a minimum of two years. The live event vendor's failure to retain a written record, or the live event vendor's failure to allow the Enforcement Official described in San Diego Municipal Code section 22.6005 reasonable access to the written record, creates a rebuttable presumption that the live event vendor has violated section 22.6002(d).
- (e) The requirements of section 22.6002 shall not apply to any City employee while in the performance of their duties.

§22.6003 **Retaliation Prohibited**

A contracting entity or live event vendor shall not retaliate against an employee, subcontractor, or subcontractors' employee, for informing any person of the requirements in this Division, or reporting, cooperating with an investigation regarding, communicating with any person about, or participating in any administrative or judicial action regarding a violation or alleged violation of this Division.

§22.6004 **Live Event Vendor Posting Requirements**

(a) A live event vendor shall post a notice informing employees involved in the setup, operation, or teardown of a complex live event of the requirements and retaliation prohibitions in San Diego Municipal Code sections 22.6002 and 22.6003 in either:

(1) a conspicuous place where any employee, or subcontractors' employee, is involved in the setup, operation, or teardown of a complex live event; or

(2) a place established by the contracting entity for posting notices for employees at the City facility or park.

(b) A live event vendor shall post the notice required in section 22.6004(a) in English, and any other language spoken by five percent or more of the employees, or subcontractors' employees, involved in the setup, operation, or teardown of a complex live event.

§22.6005 **Enforcement Authority**

- (a) The City Manager or designee is authorized to administer and enforce this Division.
- (b) The City Manager is authorized to develop policies and procedures regarding the enforcement of this Division.

§22.6006 **Stricter Safety Standards**

This Division does not prevent or limit an employer, *contracting entity*, or *live event vendor* from adopting stricter safety standards.

§22.6007 **Other Training**

Nothing in this Division relieves an employer from conducting any other training required by law, including Title 8 of the California Code of Regulations, and any other applicable occupational safety and health laws or regulations.

AR:nja
11/13/2024
Or. Dept: Council District – 7
Doc. No. 3949606

Passed by the Council of The City of San Diego on MAR 11 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 21 2025.

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 25 2025, and on MAR 21 2025.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21931