

San Diego County Code of Regulatory Ordinances

TITLE 2 LICENSES, BUSINESS REGULATIONS AND BUSINESS TAXES*

DIVISION 1. BUSINESS REGULATIONS*

CHAPTER 24. CARNIVALS AND CIRCUSES

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SEC. 21.2401. DEFINITIONS.

For purposes of this chapter the following definitions shall apply:

(a) "Carnival" or "circus" means an event open to the public that offers diverse entertainment, which may include, but is not limited to shows, rides, play areas, animal acts, exhibits and concessions.

(b) "Concession" means a booth or other area within a carnival or circus where event attendees may in exchange for a fee or donation (1) play games of skill or strength in exchange for the opportunity to win a prize, (2) see a show, act, exhibit or attraction, (3) purchase food or merchandise, (4) go on a ride or enter a play area or (5) engage in another form of entertainment.

(c) "Game of chance" means a game whose outcome is determined by use of a device such as dice, cards or some other random selector.

(d) "Game of skill" means a game where the outcome is determined by mental and/or physical skill, rather than by chance.

(e) "Nonprofit organization" means a private nonprofit organization that has been qualified to conduct business in California for at least one year and is exempt from taxation pursuant to sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or 23701w of the Revenue and Taxation Code.

(f) "Operator" shall mean any person who puts on a carnival or circus other than a nonprofit organization defined in paragraph (e) above.

(g) "Play area" means a section of a carnival or circus that contains games, amusement devices, mobile gaming trucks, non-mechanical rides, inflatable devices, animal rides or other interactive entertainment.

(h) "Prize" means anything of value given to a participant at any game concession.

(Amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

Cross reference(s)--Definitions, § [12.101](#) et seq.

SEC. 21.2402. LICENSE REQUIRED.

(a) Except as allowed in subsection (b) below, no person shall operate a carnival or circus within the unincorporated area of the County without obtaining a license from the Issuing Officer. The Sheriff shall be the Issuing Officer for a license issued under this chapter.

(b) A nonprofit corporation as defined in this chapter that operates a carnival or circus on property it owns or leases is exempt from the license requirement under this chapter. A person who operates a carnival or circus on behalf of a nonprofit corporation in exchange for payment of any kind, however, is not exempt and is required to obtain a license under this chapter.

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

SEC. 21.2403. APPLICATION REQUIREMENTS.

(a) The application for a license under this chapter shall be subject to sections [21.101-21.117](#) of this code and to any additional requirements of this chapter.

(b) An applicant for a carnival or circus license shall submit a completed application at least 60 days before the planned starting date for the event on a form provided by the Issuing Officer. The application shall contain the following information:

(1) For individual applicants: name, address and telephone number; for partnerships applicants: names, addresses and telephone numbers of the general partners; and for corporate applicants: the principal place of business, and the names, addresses and telephone numbers of the corporate officers.

(2) The address or parcel number of all property where the event is proposed to be conducted, including all property to be used for parking, or other uses incidental to the event. The applicant shall also submit proof of ownership of the premises or the written consent of all property owners of the identified property;

(3) The days and hours during which the event will be conducted;

(4) A schedule of entrance fees or other charges for admission or participation at the event;

(5) A list and description of all concessions at the event, including the concessionaires' names;

(6) An estimate of the maximum number of participants and attendees for each day it is conducted;

(7) A map or plan showing the location of all structures, including temporary structures, rides, concessions, play areas, lavatories, medical and first aid stations, food, water and trash removal facilities, parking areas and number of parking spaces and traffic flow patterns for vehicles and pedestrians;

(8) Information about who will provide security for the event and the number of security personnel that will be provided; and

(9) The name, address and telephone number of each employee who will work at the carnival or circus.

(c) With the application the applicant shall also submit proof:

(1) That all tents to be used are made of non-flammable materials or treated and maintained in a flame-retardant condition as required by Health and Safety Code section 13115.

(2) The applicant has, where applicable, notified the County Department of Animal Services in compliance with Health and Safety Code section 25989.1.

(3) The applicant is in compliance with Labor Code sections 7900 et seq. for any temporary amusement rides that will be used at the event.

(4) That the applicant has insurance that complies with section [21.2409](#).

(Amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.2404. ADDITIONAL GROUNDS FOR DENYING LICENSE.

In addition to the grounds for denying a license under section [21.108](#) the Issuing Officer may deny a carnival or circus license if he determines:

(a) Within the five years preceding the application the applicant has been convicted of an offense under Penal Code Sections 332 and 334 or a similar offense in any other State; or

(b) Conducting the carnival or circus will cause an increase in 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; or

(c) Conducting the carnival or circus 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; or

(d) The applicant violated this code or State law while conducting a carnival or circus while issued a license pursuant to this chapter and the applicant is unable to demonstrate to the satisfaction of the Issuing Officer that the applicant will comply with this code or State law if the carnival or circus license is issued.

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

State law reference(s)--Prohibited substances, Health and Safety Code, § 1100 et seq.; registration for violation of Uniform Controlled Substances Act, Health and Safety Code, § 11590; approved methadone maintenance program, Welfare and Institutions Code, §§ 4351, 4352.

SEC. 21.2405. EMPLOYEE IDENTIFICATION CARD.

(a) No person shall work at any carnival or circus in the unincorporated area of the County, for which a license is required under this chapter, unless he is at least 16 years of age and has obtained an identification card from the Issuing Officer. An applicant may apply for an identification card under this chapter by submitting an application on a form provided by the Issuing Officer.

(b) The Issuing Officer may follow the investigatory procedures in section [21.107](#) and any other investigatory procedures it deems necessary to investigate the application.

(c) The Issuing Officer may deny an applicant an identification card for any reason that an Issuing Officer may deny a license or permit under section [21.108](#)(a)(1), (a)(2), (a)(4), (b)(1),

(b)(2) or (b)(4). The Issuing Officer may also deny an applicant an identification card if the applicant:

(1) Has been convicted of an offense requiring the applicant to register as a sex offender under Penal Code section 290 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of persons attending a carnival or circus;

(2) Has been convicted of an offense requiring registration for violation of the Uniform Controlled Substances Act pursuant to Health and Safety Code section 11590 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of persons attending a carnival or circus;

(3) Has within the five years preceding the application been convicted of any offense under Penal Code sections 332 or 334 or a similar offense under the laws of another State.

(4) Within five years preceding the application, has had his identification card revoked for violating this code, State law or for committing an act that evidences his unfitness to work at a carnival or circus.

(e) The Issuing Officer will issue or deny the identification card within 30 days of receiving a completed application. An identification card will expire one year from the date it is issued unless the card provides a different expiration date.

(f) If the Issuing Officer denies the identification card, the Issuing Officer will provide the applicant with a notice of denial and follow section [21.110](#). The Issuing Officer may suspend or revoke the identification card for any of the grounds in section [21.112\(a\)](#). If the Issuing Officer proposes to suspend or revoke the identification card he will follow section [21.112\(b\)](#). If the appellant wishes to appeal the denial, suspension or revocation of the identification card, sections [21.113-21.116](#) shall apply.

(g) It shall be unlawful for an operator to employ any person at a carnival or circus in the unincorporated area of the County unless the person has a valid identification card issued by the Issuing Officer.

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

SEC. 21.2406. EMPLOYEE TO DISPLAY IDENTIFICATION CARD.

An employee of a carnival or circus, for which a license is required by this chapter, shall display a valid identification card issued to him by the Issuing Officer at all times that patrons are present, while on the property where a carnival or circus is occurring. The employee shall prominently display the identification card on the outside front of the employee's clothing, between the waist and shoulders. The employee shall provide the identification card to any peace officer upon request.

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

SEC. 21.2407. ONLY GAMES OF SKILL ALLOWED.

(a) It shall be unlawful to operate a "game of chance" as defined in this chapter, at a carnival or circus in the unincorporated area of the County. The only games that are allowed at a carnival or circus in the unincorporated area of the County are "games of skill" as defined in this chapter.

(b) No person shall operate a game at a carnival or circus in which a person involved in the operation of a game solely determines whether a player has fouled or is disqualified, or in which the outcome of the game depends upon the judgment of any person involved in the operation of the game.

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

SEC. 21.2408. OPERATION OF GAME CONCESSIONS.

(a) Every game at a carnival or circus shall have a conspicuously posted sign where the game is located, which states the consideration required to participate in the game, the rules for playing the game and any other requirements necessary to win each prize offered. The lettering on the sign shall be at least four inches in height.

(b) Only merchandise that may be won by the player as a prize may be displayed in conjunction with any game. No other prizes or merchandise shall be displayed. All merchandise available to be awarded as prizes must be clearly and conspicuously marked with the requirements for winning the prize.

(c) No operator shall offer any currency, coins or other financial instrument as a prize for any game.

(d) It shall be unlawful for an operator to employ or use a "shill" or any other person to pose as a patron.

(e) An operator shall be responsible for any violation of Penal Code sections 332 and 334 and for any other illegal activity by any employee committed during a carnival or circus that the operator knowingly allows.

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

State law reference(s)--Illegal gaming devices, Penal Code, §§ 332, 334.

SEC. 21.2409. INSURANCE.

An applicant for a carnival or circus license shall provide proof of commercial general liability insurance coverage in an amount not less than \$1,000,000 for injury or death to persons arising out of the operation of a carnival or circus. It shall be unlawful for any person to operate a carnival or circus without the insurance required by this section being in full force and effect.

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

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