



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: June 28, 2022

19

TO: Board of Supervisors

SUBJECT

AN ORDINANCE REPEALING PROVISIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO AMUSEMENT DEVICES AND ESTABLISHMENTS (DISTRICTS: ALL)

OVERVIEW

On April 26, 2022 (3) the Board of Supervisor's (Board) unanimously approved Vice Chair Vargas' and Supervisor Anderson's recommendation to create more opportunities for entrepreneurs and small business owners in the County's unincorporated area by directing the Chief Administrative Officer, in consultation with County Counsel, to draft an ordinance that would repeal Chapter 9 of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances (Amusement Devices and Establishments), and related sections. This repeal will allow businesses to expand their customer base and workforce and provide the same business opportunities in the unincorporated areas of the county that are available to those living in the incorporated areas.

Today's request is for the Board of Supervisors to approve the introduction of the proposed amendment to the San Diego County Code of Regulatory Ordinances and, if approved, consider and adopt an ordinance repealing Chapter 9 of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances (Amusement Devices and Establishments), and related sections.

RECOMMENDATIONS

CHIEF ADMINISTRATIVE OFFICER

1. Approve introduction of the proposed San Diego County Code amendment (first reading); read title and waive further reading of the following ordinance (Attachment A):

AN ORDINANCE REPEALING PROVISIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO AMUSEMENT DEVICES AND ESTABLISHMENTS

If, on June 28, 2022, the Board takes the action recommended above, then, on August 16, 2022:

**SUBJECT: REPEAL OF REGULATORY CODE PROVISIONS RELATED TO
AMUSEMENT DEVICES AND ESTABLISHMENTS (DISTRICTS: ALL)**

2. Submit the ordinance (Attachment A) for further Board consideration and adoption (second reading):

**AN ORDINANCE REPEALING PROVISIONS OF THE SAN DIEGO COUNTY
CODE OF REGULATORY ORDINANCES RELATING TO AMUSEMENT
DEVICES AND ESTABLISHMENTS**

EQUITY IMPACT STATEMENT

The COVID-19 pandemic has adversely impacted small businesses. A repeal of Chapter 9 of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances (Amusement Devices and Establishments), and related sections, will enhance the economy by providing equal opportunity for businesses and entrepreneurs in the County's unincorporated area to thrive. In addition, a repeal will allow businesses to expand their customer base and workforce while reducing regulatory burden.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations and no change in staff years.

BUSINESS IMPACT STATEMENT

N/A

BACKGROUND

The COVID-19 pandemic provided an opportunity for the Board of Supervisors to reevaluate ordinances to consider how they might affect businesses. The proposed ordinance repeals Chapter 9 of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances (Amusement Devices and Establishments), and related sections. By repealing this provision, a license and accompanying fee would no longer be required to operate an amusement establishment as outlined in Sections 21.902 and 21.906.

The County ordinance defines an amusement establishment as a commercially operated establishment having five or more amusement devices. An amusement device is a machine, or apparatus, the operations or use of which is controlled, allowed or made possible by depositing or placing coin, plate, disk, slug, or key into a slot, crevice, or other opening by paying a fee for use as a game, contest, or amusement of any description, the use or possession of which is not prohibited by any law of the State of California. In addition, the County ordinance requires that amusement devices be located in an alcohol prohibited area for certain establishments. A repeal of Chapter 9 of Title 2, Division 1 of the San Diego County Code of Regulatory Ordinances (Amusement Devices and Establishments), and related sections will remove that prohibition. However, in order to serve alcohol, such establishments would still need to obtain a State license, and violations such as sale of alcohol to minors or intoxicated persons would still be enforceable under State law.

There are currently no licensed Amusement Establishments in the unincorporated area, and in the last 30 years there have been no complaints, violations, suspensions or denials of any Amusement Establishment or applicant. This proposed amendment to the County's Regulatory Code is

SUBJECT: REPEAL OF REGULATORY CODE PROVISIONS RELATED TO
AMUSEMENT DEVICES AND ESTABLISHMENTS (DISTRICTS: ALL)

responsive to business concerns and provides more opportunity and economic prosperity to unincorporated areas and the small businesses that help those communities thrive.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Equity Initiative of the County of San Diego's 2022-2027 Strategic Plan using internal and external collaboration to pursue policy and program change for healthy, safe and thriving environments that positively impact residents.

Respectfully submitted,



HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENTS

Attachment A – Ordinance Repealing Provisions of the San Diego County Code of Regulatory Ordinances Relating to Amusement Devices and Establishments (Clean Copy)

Attachment B – Ordinance Repealing Provisions of the San Diego County Code of Regulatory Ordinances Relating to Amusement Devices and Establishments (Informational Copy)

Attachment C – Summary of Proposed Ordinance