

**ORDINANCE NO. 9751 (NEW SERIES)**

**AN ORDINANCE AMENDING SECTIONS 21.1803 AND 21.1804 OF THE  
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES  
RELATED TO ADULT ENTERTAINMENT ESTABLISHMENTS**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that it is appropriate to amend The Code of Regulatory Ordinances to reduce redundancies and to make consistent the administrative process for issuing operator and employee licenses for Adult Entertainment Establishments. These amendments are as a result of the federal district court decision in *Fantasyland Video Inc, v. County of San Diego*, 373 F. Supp. 2d 1094 (2005).

**Section 2.** Section 21.1803 of the Regulatory Code is hereby amended to read as follows:

(A) [No change.]

(B) Except for any person issued a license under subsection (A), it shall be unlawful for any person to be an employee, as defined in this chapter, of an adult entertainment establishment in the County of San Diego without a valid adult entertainment establishment employee license.

(C) An application for an adult entertainment establishment license shall be filed at the office of the County Sheriff on a form provided by the County Sheriff. The application shall be signed by the applicant.

(D) An application for an adult entertainment establishment employee license shall be filed in person at the office of the County Sheriff on a form provided by the County Sheriff. The application shall be signed by the applicant.

(E) Within 5 days of receipt of an application, the Sheriff shall determine the completeness of the application and shall notify the applicant in writing if the application is deemed incomplete. An application shall be considered complete when it contains the following information:

(1) through (6) and remaining text [no change]

(F) [no change]

(G) If a person who wishes to operate an adult entertainment establishment is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate an adult entertainment establishment is other than an individual, each officer, director, general partner or other person who will manage or participate directly in the decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 21.1804 and each applicant shall be considered a licensee if a license is granted. Each licensee granted a license under subsection (C) shall not be required to also obtain an adult entertainment establishment employee license.

(H) [no change]

(I) [no change]

**Section 3.** Section 21.1804 of the Regulatory Code is hereby amended to read as follows:

(A) Upon the filing of an application under Section 21.1803 for an adult entertainment establishment license, the County Sheriff shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the County to deny or grant the license. Within thirty (30) days of the initial filing date of the application, the Sheriff shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The County Sheriff shall approve the issuance of a license unless one or more of the following is found by a preponderance of evidence to be true:

(1) through (4) [no change]

(5) The adult entertainment establishment premises are not in compliance with the interior configuration requirements of this chapter.

(B) Upon the filing of an application under Section 21.1803 for an adult entertainment establishment employee license, the County Sheriff shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the County to deny or grant the license. Within thirty (30) days of the initial filing date of the application, the Sheriff shall either issue a license to the applicant or issue to the applicant a written letter of intent to deny the application. The County Sheriff shall approve the issuance of a license unless one or more of the following is found by a preponderance of evidence to be true:

(1) through (4) [no change]

(C) [no change]

(D) The license, if granted, shall not become effective unless and until an Administrative Permit has been issued in accordance with The Zoning Ordinance Section 6930.

PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF JANUARY, 2006