

(12-2021)

Article 3: Police Regulated Occupations and Businesses

*(“Police Regulated Business Regulations” retitled to
“Police Regulated Occupations and Businesses”
on 11–20–2000 by O–18885 N.S.)*

Division 1: General Provisions**§33.0101 Certain Businesses and Occupations Police-Regulated; Police Permit Required**

- (a) The occupations and businesses listed in this Article are subject to the City’s police power and are classified as “police-regulated.”
- (b) All police-regulated occupations and businesses, and all *persons* conducting or proposing to engage in a police-regulated occupation or business, are subject to any investigation and regulation required by this Article as a prerequisite to the granting of a *police permit* to conduct the occupation or business.
- (c) It is a misdemeanor for any *person* to operate a business or engage in an occupation regulated by this Article without a *police permit*. The *police permit* is in addition to any other *license* or *permit* required under any other provisions of the San Diego Municipal Code, including the business tax certificate in Chapter 3, Article 1, or any *license* or *permit* required by law.
- (d) It is not a defense in any proceeding brought under this Article that a *license* or *permit* was issued under some other provision of law, nor shall the issuance of a *permit* under this Article be a defense to a *violation* under other sections of this Code.

*(“Police Regulated” retitled to “Certain Businesses and Occupations Police-Regulated; Police Permit Required” and amended 11–20–2000 by O–18885 N.S.)
(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)*

§33.0102 Separate Permits Required

- (a) A separate *police permit* is required for each police regulated business activity carried on at a specific location, except for *secondhand dealers* and *secondhand non-tangible personal property dealers*, as defined in section 33.1101. *Secondhand dealers* and *secondhand non-tangible personal property dealers* are only required to obtain one *permit* per dealer; however, a copy of the *permit* must be posted in accordance with this Division.

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- (b) Unless otherwise stated, any *person* desiring to operate a police-regulated business and to act in a police-regulated occupation must obtain *permits* to do both.

(“Inspections and Authority of Peace Officers or Police Employees” renumbered to Sec. 33.0103; “Separate Permits Required” added 11-20-2000 by O-18885 N.S.) (Amended 11-25-2014 by O-20436 N.S.; effective 12-25-2014.)

§33.0103 Inspections and Authority of the Chief of Police

- (a) The *Chief of Police* shall conduct regular inspections of all police-regulated businesses only as reasonably necessary to ensure compliance with the provisions specific to the occupations or businesses listed in this Article. Unless authorized by state or federal law, inspections shall be limited to areas where business is conducted and the public areas of any police-regulated business. Inspections shall occur during the business’ normal operating hours.
- (b) It is unlawful for any *responsible person* or *employee* to prevent the *Chief of Police* from conducting an inspection.
- (c) The right of reasonable inspection to enforce the provisions of this Article is a condition of the issuance of a *police permit*. The applicant or *permittee* shall acknowledge this right of inspection at the time of application. Refusal to acknowledge this right of inspection is grounds for denial of the application. The right of inspection includes the right to require identification from *responsible persons* or *employees* on the *premises*. The refusal to allow inspection upon reasonable demand or the refusal to show identification by *responsible persons* or *employees* is grounds for the suspension, revocation, or other regulatory action against the *police permit*.

(“Posting of Licenses or Permits” renumbered to Sec. 33.0105; “Inspections and Authority of Peace Officers or Police Employees” renumbered from Sec. 33.0102 and amended 11-20-2000 by O-18885 N.S.)

(Retitled from “Inspections and Authority of Peace Officers or Police Employees” to “Inspections and Authority of the Chief of Police” and amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

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§33.0104 Police Code Compliance Officer Arrest Authorization

Pursuant to Penal Code section 836.5, a police code compliance officer is authorized to arrest without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence that is a violation of a statute or ordinance the police code compliance officer has the duty to enforce.

(“Cost of Investigation and Fees” repealed; “Police Code Compliance Officer Arrest Authorization” added 11-20-2000 by O-18885 N.S.)

§33.0105 Posting of Permits

Except as otherwise provided by this Code, all *police permits* must be kept and posted in the following manner:

- (a) Any *permittee* engaged in business at a fixed place of business shall keep the *police permit* posted in a conspicuous place upon the *premises* where business is conducted together with the *permit* or a copy of the *permit* for any *person* required to be licensed under the provisions of this Article who is engaged in a police-regulated occupation on the business *premises*.
- (b) Any *person* engaged in business in the City of San Diego, but not operating from a fixed place of business, shall keep his or her *police permit* upon their *person* at all times while engaging in such business.
- (c) When requested, each *permittee* shall exhibit the *police permit* to any *peace officer*, or any individual who (1) is doing business with the *permittee* or, (2) is considering doing business with the *permittee*, or (3) is seeking employment with the *permittee*.

(“Construction and Enforcement” repealed; “Posting of Licenses or Permits” renumbered from Sec. 33.0103, retitled to “Posting of Permits” and amended 11-20-2000 by O-18885 N.S.)

§33.0106 Name of Business

It is unlawful for any *permittee* to operate any police-regulated business or engage in any police-regulated occupation under any name or designation other than the name or designation on the *police permit*. This section does not preclude the use of stage names by *persons* issued *police permits* under Divisions 28 and 36.

(“Transition Provisions” repealed; “Name of Business” added 11-20-2000 by O-18885 N.S.)
(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

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§33.0107 Chief May Require Security Guards

Whenever authorized by this Article, the *Chief of Police* may require a police-regulated business to employ security guards to provide crowd control. The *Chief of Police* will consider the following factors in determining the number of security guards that will be sufficient:

- (a) the nature of the event;
- (b) the number in attendance;
- (c) the ages of the patrons;
- (d) the potential for disorderly conduct;
- (e) the nature of the surrounding neighborhood;
- (f) the likelihood of interference from other sources or businesses in the area;
- (g) the history of the *permittee* for maintaining order and complying with all laws; and
- (h) any other factors reasonably related to safety.

The *Chief of Police* may require security guards to be readily identifiable by their attire.

(“Constitutionality and Severability” repealed; “Chief May Require Security Guards” added 11-20-2000 by O-18885 N.S.)

§33.0108 Mail Notice from City Authorized

Unless otherwise stated, whenever written notice from the City is required under this Article, it is sufficient to mail the notice via first class mail to the most recent address provided by the *person*. Such mail is presumed delivered five days after its postmark date.

(“Mail Notice from City Authorized” added 11-20-2000 by O-18885 N.S.)

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§33.0109 Selling or Peddling by Weight; Certificate of Scales; Testing Required

The City may not issue a *permit* to buy, sell, offer for sale, or peddle any goods, wares or merchandise in the City that are bought or sold by weight, unless the applicant for the *permit* has at the time of application filed a certificate from the County Sealer of Weights and Measures of San Diego County, California, stating that said County Sealer of Weights and Measures has examined and tested the scales proposed to be used by the applicant, and has found them to be accurate.

(“Selling or Peddling by Weight; Certificate of Scales; Testing Required” added 11-20-2000 by O-18885 N.S.)