

Article 3: Police Regulated Occupations and Businesses

Division 2: Definitions

§33.0201 Definitions

All defined terms in this Article appear in italics. For purposes of this Article:

“*Alcoholic beverages*” means alcohol, spirits, wine or beer, which contain one-half of one per cent or more of alcohol by volume and which are fit for beverage purposes either alone or diluted, mixed or combined with other substances.

“*Been convicted*” or “*conviction*” includes a finding of guilty, or entry of a plea of guilty, or a plea of nolo contendere or “no contest.” *Been convicted* or *conviction* includes any offense in another state punishable as one of the disqualifying offenses.

“*Chief of Police,*” means the Chief of Police of The City of San Diego, or any member of the Police Department of The City of San Diego designated by the *Chief of Police* to carry out the provisions of this Article, including those assigned to the Vice Section of the Police Department to investigate potential violations and enforce this Article.

“*City Manager*” means the City Manager of The City of San Diego or any person employed by the City and designated by the *City Manager* to carry out the provisions of this Article.

“*Employee*” means a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

“*Establishment*” includes any person or business entity which owns, operates or conducts an activity or enterprise which is subject to regulation under this Article, and shall also include the building or structure or portion of the building or structure or an exterior or outdoor situs upon which regulated activity occurs. The term also includes other meanings assigned by law and it shall be given as broad an interpretation as is possible to effectuate the regulatory purposes and intent of this Article.

(11-2000)

“Permit,” “police permit,” or “license” are synonymous and each means a permit issued by, or under the authority of, the *Chief of Police* that authorizes a particular business or activity to operate, or authorizes an individual to engage in a regulated occupation.

“Permittee” means a *person* who holds a *permit* issued under this Article.

“Person” has the same meaning as in Municipal Code section 11.0210.

“Police Officer” or “Peace Officer,” means the same as “Peace Officer” as defined in California Penal Code, Part 2, Title 3, Chapter 4.5, and includes police code compliance officers when that police code compliance officer has been assigned by the *Chief of Police* to assist in, or be responsible for, the regulation of the occupations and businesses and enforcement of this Article.

“Premises” includes any structure or portion of the structure or exterior or outdoor situs or area in close proximity to the police-regulated business which is under the lawful control of a *responsible person*. The term also includes other meanings assigned by law and it shall be given as broad an interpretation as is possible to effectuate the regulatory purposes and intent of this Article.

“Responsible Person” has the same meaning as in Municipal Code section 11.0210. It also includes a *permittee* and each *person* upon whom a duty, requirement or obligation is imposed by this Article, or who is otherwise responsible for the operation, management, direction, or policy of a police-regulated business. It also includes an *employee* who is in apparent charge of the *premises*.

“Violation” means an act or omission, or an attempt to act, which contravenes any of the provisions of this Article or other provisions of law, without regard to whether or not criminal proceedings are instituted against any *person*.
(“Definitions and Interpretations” retitled to “Definitions” and amended 11-20-2000 by O-18885 N.S.)

§33.0202 Conviction Complete When

A *conviction* is complete upon entry of judgment upon a finding of guilty, or upon entry of a plea of guilty, or upon entry of a plea of nolo contendere or “no contest,” regardless of the pendency of any appeal, or expungement pursuant to California Penal Code section 1203.4 or 1203.4a.

(“Alcoholic Beverages” repealed; “Conviction Complete When” added 11-20-2000 by O-18885 N.S.)