

Article 3: Police Regulated Occupations and Businesses**Division 3: Applications for Permits**

*(“Applications” retitled to “Applications for Permits”
on 11-20-2000 by O-18885 N.S.)*

§33.0301 Chief of Police Authority to Investigate

The *Chief of Police* will investigate an applicant’s fitness to conduct the occupation, business, or game of skill specified in the application. The investigation will also determine the suitability of the location of the proposed *establishment*. In addition, the *Chief of Police* will determine if the proposed occupation, business, or game of skill is a lottery, form of gambling, or illegal activity.

(“Applications Forwarded to Chief of Police” repealed; “Chief of Police Authority to Investigate” renumbered from Sec. 33.0302, retitled and amended 11–20–2000 by O–18885 N.S.)

(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0302 Duty to Complete Applications; Incomplete Applications; Single Occasion Event Applications

- (a) Every applicant shall submit a complete application to the *Chief of Police*.
- (b) The *Chief of Police* will not accept incomplete applications. The application will be returned to the applicant and marked “Incomplete - Application Rejected” no later than ten business days after receipt by the *Chief of Police*. The rejection of an application under this section is not appealable.
- (c) An application for a single occasion event must be submitted thirty calendar days prior to the event. Any application submitted less than thirty calendar days prior to the single occasion event (1) may be rejected if the background investigation cannot be completed; and (2) will be subject to a penalty fee of an additional 100 percent of the application fee. Any application submitted within three business days of the event will be automatically rejected.

*(“Chief of Police shall Investigate Applicant’s Fitness” renumbered to Sec. 33.0301;
“Duty to Complete Applications: Incomplete Applications; Single Occasion Event Applications” added 11-20-2000 by O-18885 N.S.)*

(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0303 Time Allowed for Investigation; Temporary Status for Performers

- (a) The *Chief of Police* shall have thirty calendar days to investigate the applicant. Unless otherwise stated, if the *Chief of Police* fails to act on any complete *permit* application within thirty calendar days from the date of its delivery to the *Chief of Police*, the application will be deemed approved and the *permit* shall be issued.
- (b) Except for applications submitted to obtain permits under Chapter 3, Article 3, Divisions 33 and 36, or for any other business or occupation protected by the First Amendment, upon written notification to the applicant the Chief of Police is allowed up to fourteen additional calendar days to investigate the applicant.
- (c) Persons engaged in an activity protected by the First Amendment including those governed by Division 36, may perform in a temporary status during the 30-day investigation period or until their application for their permit is denied, whichever comes first. If the application for the permit is granted, their temporary status expires and the applicant may perform as a permittee. During the temporary status period, the person must abide by all laws including this Code, applicable to a permittee.

(“*Applicant and Employees to Furnish Fingerprints and Photographs — Notice of Change of Ownership*” renumbered to Sec. 33.0304; “*Time Allowed for Investigation; Temporary Status for Performers*” added 11-20-2000 by O-18885 N.S.)

(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0304 Applicant and Employees to Furnish Fingerprints and Photographs

For the purpose of investigation and for regulation of the occupation or business during the time it is licensed, applicants, *responsible persons*, managers, or *employees* may be required to furnish their fingerprints and photographs.

Fingerprints must be taken by a governmental agency. The *Chief of Police* shall forward the fingerprints to the Identification Division of the State of California, Department of Justice, or the Federal Bureau of Investigation, for identity confirmation and criminal histories.

(“*Issuance or Denial of License or Permit*” renumbered to Sec. 33.0304; “*Applicant and Employees to Furnish Fingerprints and Photographs — Notice of Change of Ownership*” renumbered from Sec. 33.0303, retitled and amended 11-20-2000 by O-18885 N.S.)

§33.0305 Permit Issuance and Grounds for Denial

Except as otherwise provided in this Code, upon completion of the investigation of an applicant, the *Chief of Police* shall issue a *permit* unless:

- (a) the applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application; or
- (b) the applicant is under eighteen years of age, unless the particular business or occupation has a different age requirement pursuant to state or federal law, in which case the state or federal law controls the age requirement; or
- (c) the applicant has had a similar type of *license* or *permit* previously denied, suspended for a total of six months, or revoked, within five years immediately preceding the date of the filing of the application, and the applicant can show no material changes in circumstances since such denial, suspension, or revocation; or
- (d) the applicant has refused to consent to inspection pursuant to Section 33.0103; or
- (e) the applicant is within any of the following categories:
 - (1) within five years immediately preceding the date of application, the applicant has *been convicted* of a felony crime in any jurisdiction involving the following offenses: theft, fraud, violence, sale of a controlled substance as specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or any moral turpitude offense;
 - (2) within three years immediately preceding the date of application, the applicant has *been convicted* of any offense listed in Section 33.0305(e)(1) that has been made the subject of Section 17(b) of the California Penal Code;
 - (3) within five years immediately preceding the date of application, the applicant has *been convicted* of any offense involving deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature of conduct of the business for which the application is made;

- (4) in addition to the other categories, if the applicant is applying for a *permit* to engage in a business regulated under Divisions 9, 11, 32 or 43 of this Article, within five years immediately preceding the date of the application, the applicant has *been convicted* of any offense involving theft or fraud, including the receipt of stolen property, or any financial crime including money laundering and embezzlement.
- (f) the applicant has failed to provide proof of any application requirement as set forth in the Division regulating the business or occupation the applicant desires to engage in.

(“Approval or Denial Stamped on Application by Investigating Official” repealed; “Issuance or Denial of License or Permit” renumbered from Sec. 33.0304, retitled and amended 11-20-2000 by O-18885 N.S.)

§33.0306

Denial of Permit in Writing

If the *permit* is denied, the notification and reasons therefor shall be set forth in writing and shall be sent immediately to the applicant by means of registered mail or certified mail, or shall be hand-delivered to the applicant.

(“Time Allowed for Investigation” repealed; “Denial of Permit in Writing” added 11-20-2000 by O-18885 N.S.)

§33.0307

Application and Regulatory Fees

Unless otherwise specified, all *police permit* applications shall be accompanied by a non-refundable application fee to cover the cost of investigating and processing the application. Any *person* who desires to obtain a business *permit* and an occupational *permit* (for example, a *massage establishment permit* and a *massage therapist permit*) shall pay only one application fee if the applications are submitted concurrently.

Permittees shall pay regulatory fees to cover the cost of inspecting, regulating, and enforcing laws relating to police-regulated businesses. Unless otherwise specified, regulatory fees shall be paid according to the schedule set in the Rate Book of City Fees and Charges.

(“Term of Permit and Renewal” renumbered to Sec. 33.0308; “Application and Regulatory Fees” added 11-20-2000 by O-18885 N.S.)
(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0308 Term of Permit and Renewal; Fees

- (a) Any *permit* that is renewed will be valid for a period of one year from the date of issuance, except *permits* for occasional events and alarms which will be valid only for the specified duration. New *permits* will be pro-rated and partial year, expiring on the day their business tax certificate expires.
- (b) Except as provided in section 33.0308(e), (f), (g), and (i), each *permit* may be renewed annually upon payment of the regulatory fee specified in the Rate Book of City Fees and Charges and submittal of a renewal form.
- (c) If a completed renewal form is not received on the date required, the *permittee* has ten calendar days in which to submit the renewal form and pay the regulatory fee without any penalty.
- (d) If the renewal form is received in less than thirty but more than fifteen calendar days after the due date, an additional \$25 plus ten percent of the regulatory fee is due in order to complete the renewal.
- (e) If a renewal is not complete with all fees and penalties paid within the following calendar month after the due date, the *permit* expires and business operations, occupations, or activities allowed by the *permit* must cease.
- (f) Any changed circumstance which would have been grounds for denial of the application is grounds for denying the *permittee* a renewed *permit*.
- (g) Failure to disclose any material circumstance, whether or not such circumstance would have been grounds for denial under section 33.0305, is grounds for denying the *permittee* a renewed *permit*.
- (h) A *permittee* may appeal the refusal to renew a *permit* as provided in Division 3.
- (i) A *permit* will not be renewed if it has been revoked. However, if an action to revoke a *permit* is in progress, a *permit* will not be renewed unless and until the *permittee* succeeds in having the revocation action overturned, or the action is stayed as provided in section 33.0506 or by court order allowing the *permittee* to operate, in which case, the *permit* will expire as provided in subsection (a) unless the *permittee*:
 - (1) pays the annual regulatory fee on the *permit*'s renewal date; and
 - (2) if applicable, submits a copy of the court order authorizing the stay along with the renewal form.

Payment of the annual regulatory fee does not grant the *permittee* a new *permit*, nor does it invalidate the revocation of the *permit*. If the revocation of the *permit* is upheld, the *permittee* shall be reimbursed the pro-rated annual regulatory fee from the date the *permittee* ceased operating under the *permit* until the remainder of the *permit*'s duration.

- (j) If the *permittee* meets the criteria in this section, a renewed *permit* will be issued by the *Chief of Police* and sent to the *permittee*.

(“*Temporary Permits for Employees of Police Regulated Businesses*” repealed; “*Term of Permit and Renewal*” renumbered from Sec. 33.0307 and amended 11-20-2000 by O-18885 N.S.)

(Amended 7-10-2015 by O-20508 N.S.; effective 8-9-2015.)

(Retitled from “*Term of Permit and Renewal*” to “*Term of Permit and Renewal; Fees*” and amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0309 Effect of Granting Permit

The granting of a *police permit* does not relieve the *permittee* from obtaining all appropriate permits or approvals required by local, state, or federal laws. *Permittees* must comply with all applicable local, state, and federal laws, including those related to building, zoning, fire, and other public safety regulations.

The granting of a *police permit* does not vest any development rights in the property or business.

(“*Effect of Granting Permit*” added 11-20-2000 by O-18885 N.S.)

(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0310 Change of Location

A change of location of a police-regulated business that operates from a fixed location requires a new application and new *police permit*.

(“*Selling, Peddling by Weight — Certificate of Scales — Testing Required*” repealed; “*Change of Location*” added 11-20-2000 by O-18885 N.S.)

§33.0311 Notice of Change of Ownership

In the event of a change of ownership, a new application must be submitted and approved before a *permit* is issued in the name of the new owner. Thirty calendar days after the sale or transfer of any interest to any *person*, the *permit* shall be null and void, and all police-regulated activity must cease until a new *permit* is issued to the new owner.

(“*Notice of Change of Ownership*” added 11-20-2000 by O-18885 N.S.)

§33.0312 Notice of Change of Employers

Any *person* engaged in a police-regulated occupation must notify the Office of the *Chief of Police*, in writing, of any change of employment within fifteen calendar days of changing to the new employer.

(“*Notice of Change of Employers*” added 11-20-2000 by O-18885 N.S.)
(Amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)

§33.0313 Responsible Persons

Permittees shall provide the *Chief of Police* with the names of all *responsible persons* involved in the day-to-day management of the police-regulated business. The *permittee* shall notify the Office of the *Chief of Police*, in writing, within thirty calendar days of a change in *responsible persons*.

(“*Responsible Persons; Managers*” added 11-20-2000 by O-18885 N.S.)
(Retitled from “*Responsible Persons; Managers*” to “*Responsible Persons*” and amended 11-8-2021 by O-21385 N.S.; effective 12-8-2021.)