

Draft of: March 21, 2013

Proposed deletions are shown in ~~strikeout~~ and additions in underlining.

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING PART VI
OF THE ORDINANCE CODE OF TULARE COUNTY, BY
ADDING A GENERAL BUSINESS LICENSE REQUIREMENT AND
LICENSE REQUIREMENTS FOR COTTAGE FOOD OPERATORS,
AMENDING THE PEDDLER AND JUNK DEALER
LICENSE REQUIREMENTS,
AND MAKING TECHNICAL AND CLERICAL CHANGES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS
FOLLOWS:

Section 1. The title of Part VI of the Ordinance Code of Tulare County is amended to
read as follows:

**PART VI. BUSINESS REGULATIONS AND LICENSE
LICENSES AND REGULATIONS**

Section 2. Section 6-01-1010 of Chapter 1 of Part VI of the Ordinance Code of
Tulare County is amended to read as follows:

SECTION 6-01-1010. PURPOSE:

The purpose of this Chapter is to ensure the health, safety, and welfare of the residents of
~~Tulare~~ the County in their transactions with entrepreneurs and to preserve and enhance the
reputation and viability of business operations within ~~Tulare~~ the County.

Additional purposes of the business license requirement are to establish and maintain a
database of businesses in the unincorporated area of the County in order to identify them for fire
protection and other emergency response purposes, to enhance the efficiency of business
retention efforts, and to guide business owners to the proper services to give them an
understanding of County regulations affecting their businesses, including applicable building,
planning and zoning requirements.

Section 3. Section 6-01-1020 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1020. DEFINITIONS:

The following words and phrases, as used in this Part, shall have the following meanings:

(a) “Applicant” means the individual, partnership, association, or corporation that will operate and conduct a business for which a license is required pursuant to the provisions of this Part.

(b) “Association” means every club, syndicate, joint venture, and every other group of individuals who are united together for some common purpose but are not organized as a partnership or a corporation.

(c) “Building” means a building as defined in the California codes specified in Section 7-15-1000 of this Ordinance Code.

~~(d)~~ (d) “Business” means the operation or carrying on of any ~~activity~~ profession, trade, or occupation, whether for profit or gratuitously, ~~for which a license is required by this Part~~ with or without a fixed place of business.

~~(e)~~ (e) “Business premises” means the office, building, location or place in which or from which a business is conducted or carried on, ~~if the business uses a fixed place of business.~~

(f) “Day” means calendar day, unless “business day” is specified.

~~(g)~~ (g) “Investigating officer” means any of the County officers, or their duly authorized representatives, who are designated in this Part as the persons who shall conduct an investigation of the applicant and/or the business premises.

(h) “License” means the document entitling the person to engage in business in the unincorporated area of the County, which is issued by the license collector as required by this Part.

(i) “License collector” means the County department or agency specified in Section 6-01-1040.

~~(j)~~ (j) “Licensee” means the individual, partnership, association or corporation that operates and conducts a business for which a license has been issued pursuant to the provisions of this Part.

(k) “Residence,” for purposes of this Part, means a building where a person actually resides on a continuous basis, engaging in such activities as taking meals and sleeping. “Residence,” for purposes of this Part, includes separate buildings such as a garage associated with the residence.

Section 4. Section 6-01-1040 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1040. LICENSE COLLECTOR:

The Tulare County ~~Auditor-Controller/Treasurer-Tax-Collector~~ Resource Management Agency shall be the license collector for the County of Tulare.

Section 5. Section 6-01-1050 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1050. LICENSING REQUIREMENT:

Except as otherwise provided in this Part, it shall be unlawful for any person to maintain, conduct, operate or carry on, within the County of Tulare and outside the limits of any incorporated city, any business for which a license is required by this Part within the County and outside the limits of any incorporated city, unless such person has a valid license for such business. No person required to obtain a business license shall establish a new or additional business location, change or expand the business use of any building, or participate in a change of business ownership without first obtaining a new license. Separate licenses must be obtained for each branch establishment or separate business location, or business activity without a fixed location, within the unincorporated area of Tulare the County. Additional requirements apply if the business is of a type specifically regulated in this Part.

~~The licensing requirement applies equally to persons doing business without a fixed place of business. These persons shall comply with the same requirements as persons engaged in the same type of business having a fixed place of business within the unincorporated area of the County.~~

Section 6. Section 6-01-1055 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-01-1055. EXCEPTIONS TO LICENSE REQUIREMENT

(a) No business license shall be required for:

(1) A business in which the only business premises are located in a residence, except as otherwise specified in this Part.

(2) A federal, state, or local government agency.

(3) A financial institution, as provided in Article XIII, Section 27 of the California Constitution.

(4) An insurer, as provided in Article VIII, Section 28 of the California Constitution.

(5) A common carrier regulated by the Public Utilities Commission.

(6) A farmer with no business buildings in the unincorporated area, who engages in such activities as apiaries, vineyards, orchards, row crops, pastures, or open land grazing.

(7) A farmer whose only business building is a farm stand, as defined in Health and Safety Code section 113778.2, provided the farm stand is located in a non-permanent building.

(8) Rodeos and fairs, other than circuses, carnivals, and outdoor festivals as described in this Part.

(9) A community care facility, as defined by Health and Safety Code section 1502, pursuant to Health and Safety Code section 1523.1.

(10) A residential care facility for persons with chronic life-threatening illnesses, as defined by Health and Safety Code section 1568.01^[1], pursuant to Health and Safety Code section § 1568.05.

(11) A business providing domestic services within a residence (such as cleaning or laundry).

(12) A child care business at a residence which is exempt from state licensing requirements because the maximum number of children is below the threshold for a “family day care home” as defined in Health and Safety Code section 1596.78.

(13) A business which rents or leases to others not more than three residential dwelling units, which must be located on the same property as the business owner’s residence.

(14) A business operated by a minor.

(15) A swap meet vendor, as defined in Business and Professions Code section 21661. However, a swap meet operator, as defined in the same statute, is not exempt.

(16) Any other business which is except from local business license requirements pursuant to any federal or state law.

(b) Any person who meets the requirements of this section may provide a statement under penalty of perjury to the license collector, and the license collector shall issue a certificate of exemption to the person. Notwithstanding this provision, the license collector and other County

¹ Health & Saf. Code, § 1568.01, subd. (j) provides: “ ‘Residential care facility’ means a residential care facility for persons with chronic, life-threatening illness who are 18 years of age or older or are emancipated minors, and for family units.” Subd. (c) provides: “ ‘Chronic, life-threatening illness’ means HIV disease or AIDS.”

departments shall retain the authority to determine whether the person is required to obtain a license.

Section 7. Section 6-01-1070 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1070. PREREQUISITES FOR APPLICATION:

Any person seeking to obtain a business license from the County of Tulare must comply with all applicable legal requirements prior to the issuance of a business license. Every applicant shall obtain any required approval or clearance administered by the Resource Management Agency, the Health Officer, the Sheriff of Tulare County, the Tulare County Fire Department, the Environmental Health Division of the Health and Human Services Agency or any other investigating officer under this Part as to compliance with applicable land use, building safety, public safety, public health and sanitation and other regulations under their purview. [¶ added]

If at any time the licensee fails to comply with all legal requirements, the license may be revoked or suspended as provided in this Chapter. In addition or alternatively, the licensee and the owner of the property upon which the business is located or conducted may be subject to any other administrative or judicial penalties or remedies allowed by this Ordinance Code or by law.

Section 8. Section 6-01-1080 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-01-1080. ISSUANCE OF LICENSE:

(a) If the applicant satisfies the requirements of this Part and any other licensing requirements in this Code, and if all of the investigating officers approve the business license application, the license collector shall issue a business license to the applicant; otherwise the license collector shall refuse to issue the license.

(b) Any license required under this Part shall be issued subject to any reasonable conditions that may be required by the investigating officers in order to ensure the protection of the public health, safety and morals, as well as compliance with applicable planning, building, and zoning requirements. The ~~License Collector~~ license collector shall set forth any such conditions upon the face of the license.

Section 9. Section 6-01-1090 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-01-1090. FORM OF LICENSE:

A license is required under this Chapter for each separate location where business is to be conducted, or for each business not at a fixed location, or as provided in the specific chapter for that type of business, and each such license shall contain the following information:

- (a) The nature of the licensed business.
- (b) The name and mailing address of the licensee.
- (c) The street address of the business premises, if any, or, if the street address has not yet been established, a legal description of the business premises, or, if the business will not have a fixed location, identification of the vehicle to be used.
- (d) The dates of issuance and expiration of the license.
- (e) The amount of the license fee.
- (f) Such additional information as may be deemed necessary by the license collector.

Section 10. Section 6-01-1100 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1100. TERM OF LICENSE:

The term of any license issued pursuant to the provisions of this Part shall be ~~from the 1st day of July of any year to and including the 30th day of June of the following~~ one year from the date of issuance, unless otherwise provided in the Chapter regarding that type of business.

Section 11. Section 6-01-1110 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-1110. RENEWAL OF LICENSE:

Any person who holds a valid annual license issued under this Part ~~or under Ordinance Nos. 465, 509 or 511~~ may file an application for renewal ~~of said license~~ by applying in writing to the license collector not sooner than sixty (60) days prior to, nor later than, the expiration date of the existing license. The application for renewal shall be in the form prescribed by the license collector, and the applicant shall sign a statement under penalty of perjury that the facts set forth in the original application have not changed, except such changes as are set forth in the renewal

application. Upon compliance with the provisions of this section and the provisions of the Chapter for that type of business, and upon payment of the prescribed license fee, the license collector shall issue a renewal license ~~in the same manner as provided in this Part for the issuance of an original license~~. If a renewal application is not filed prior to the expiration date of the existing license, the licensee shall file a new application under the provisions of this Part and pay the required ~~application~~ fees, and in addition shall pay a fee for allowing the license to lapse. The amount of the fee shall be set from time to time by resolution of the Board of Supervisors.

Section 12. Section 6-01-1125 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-01-1125. DUPLICATE LICENSE:

A duplicate license may be issued by the license collector to replace any license previously issued under the provisions of this Part which has been lost or destroyed. The licensee must file an affidavit attesting to the loss or destruction, and must pay a fee for processing the duplicate license. The amount of the fee shall be set from time to time by resolution of the Board of Supervisors.

Section 13. Section 6-01-1130 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-01-1130. SUPPLEMENTAL APPLICATION FOR CHANGE OF BUSINESS PREMISES, ~~TRANSFER OF INTEREST, ETC.:~~

(a) If permitted by the Chapter regarding that type of business, a licensee may file with the license collector a supplemental application to conduct the business on different or additional business premises, or to include the use of a different or an additional vehicle in the operation of the business.

~~(b) In the case of a proposed transfer of an interest in the business, if permitted by the Chapter regarding that type of business, the proposed transferee of the interest shall file the supplemental application.~~

~~(e)~~ (b) A supplemental application shall be in the form prescribed by the license collector, and the applicant shall sign a statement under penalty of perjury that the facts set forth in the original application have not changed, except such changes as are set forth in the supplemental application.

~~(d)~~ (c) The license collector shall process a supplemental application and issue a license in accordance with the provisions of this Part governing the application for and issuance of an original license; provided, however, that an investigation of the moral character, integrity and fitness of any transferee licensee may be waived in the discretion of the Sheriff, ~~if one or more of~~

~~the original licensees continue to participate in or actively supervise the operation of the business, and provided that the fees may be set at different amounts than for an original license. The fees shall be set from time to time by resolution of the Board of Supervisors.~~

Section 14. Section 6-01-2000 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-2000. FORM OF APPLICATION:

The application for a license shall be made in the name of the applicant. If an individual will operate and conduct the business as the sole proprietor, he or she shall file the application. If the business will be operated and conducted by a partnership, association, or corporation, the application shall be filed on behalf of the applicant by one of the partners, an officer of the association, or by an officer or managing employee of the corporation. The application for a license shall be filed with the license collector on an application form furnished by the license collector, which shall require the following information:

(a) The name and mailing address of the applicant.

~~(b) If the business will be operated and conducted by a partnership, the names and addresses of all partners shall be listed. If the business will be operated and conducted by an association, the names and addresses of all members of the association shall be listed; provided, however, that if there are more than ten (10) members of the association, only the names and addresses of all of the officers of the association shall be listed. If the business will be operated and conducted by a corporation, the names and addresses of all of the officers of the corporation and the name and address of the managing employee shall be listed.~~

(~~e~~) (b) The street address, ~~or~~ legal description, or Assessor's Parcel Number of the business premises, if any.

(~~d~~) (c) The name and address of the person who shall serve as the authorized agent of the applicant and of the licensee, if a license is issued, for the purpose of receiving any notice to be given pursuant to this Part.

~~(e) Complete details concerning every felony of which the applicant and the persons referred to in subdivision (b) of this section have been charged or convicted at any time, and every misdemeanor, excluding nonmoving traffic violations, of which they have been convicted within the previous ten (10) years, and every misdemeanor, excluding nonmoving traffic violations, with which they have been charged in the previous five (5) years.~~

(~~f~~) (d) Any additional information that is required under the pertinent Chapter of this Part relating to the particular license for which the application is made.

(e) A description of whether the business is or is not required to submit a hazardous materials business plan pursuant to Health and Safety Code section 25504.

(f) A description of the type(s) of built-in fire protection systems at the location, if any (sprinkler system, fire alarm, commercial kitchen hood suppression system, etc.).

(g) For any of the highly regulated businesses described in the other chapters of this Part, or for any applicant upon request by the Sheriff, the license collector may also require:

(1) If the business will be operated and conducted by a partnership, the names and addresses of all partners shall be listed. If the business will be operated and conducted by an association, the names and addresses of all members of the association shall be listed; provided, however, that if there are more than ten (10) members of the association, only the names and addresses of all of the officers of the association shall be listed. If the business will be operated and conducted by a corporation, the names and addresses of all of the officers of the corporation and the name and address of the managing employee shall be listed.

(2) Complete details concerning every felony of which the applicant and the persons referred to in subdivision (g)(1) of this section have been charged or convicted at any time, and every misdemeanor, excluding nonmoving traffic violations, of which they have been convicted within the previous ten (10) years, and every misdemeanor, excluding nonmoving traffic violations, with which they have been charged in the previous five (5) years.

(g) (h) Such additional information as may be required by the license collector ~~and~~ or by the investigating officers to facilitate the required investigation.

The person filing the application shall sign a statement, under penalty of perjury, that the facts stated in the application are true and correct and that all information required has been set forth in the application.

Section 15. Section 6-01-2010 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

§ 6-01-2010. INVESTIGATION OF APPLICANT AND BUSINESS PREMISES:

(a) For the purpose of investigating applications filed under this Part, the Director of the Resource Management Agency, the Health Officer, the Sheriff, ~~and~~ the Fire Chief, and other department heads as necessary, or their respective designees, shall serve as the investigating officers. The license collector shall file copies of the application with the investigating officers who shall, within sixty (60) days after receipt thereof, or within 60 days after payment of any fee therefor, whichever is later, investigate and report their findings to the license collector concerning the following matters:

(1) The Director of the Resource Management Agency shall determine whether any proposed construction, alteration, or change in use of a building or other structure will comply with the applicable building laws, ordinances, and regulations, and/or whether the use of the business premises for the proposed business will comply with the applicable planning, land use, and zoning laws and ordinances. The Director of the Resource Management Agency shall also comply with Business and Professions Code section 16100, subdivision (c), when applicable.

(This statute requires the County, before issuing a business license to a person to conduct business as a contractor, as defined by Business and Professions Code section 7026, to verify that the person is licensed by the Contractors' State License Board.)

(2) If the application is subject to review by the Health Officer, the Health Officer shall determine whether operation of the business or proposed business complies or will comply with the applicable food, health, safety and sanitation laws, ordinances, and regulations.

(3) If the application is subject to review by the Sheriff, the Sheriff shall investigate the integrity of the applicant and shall determine whether operation of the business or proposed business by the applicant hampers or will hamper proper law enforcement. If the applicant for a license has a valid license issued under this Part for which an investigation of the integrity of the applicant has been previously conducted by the Sheriff, such investigation shall not be required in a subsequent application for a different license.

(4) The Fire Chief shall determine whether the use of the business premises for the business or proposed business and/or any proposed construction, alteration or change in use of a building or other structure complies or will comply with the Uniform Fire Code and all other applicable fire protection or fire prevention related laws, ordinances, and regulations.

(5) Other departments may be asked to review aspects of the business as needed to determine whether the business complies or will comply with all applicable statutes or other requirements.

(b) By filing an application, the applicant shall be deemed to have waived any and all objections to, and to have thereby authorized, any and all investigations concerning their criminal records, business history, past employment, property ownership, and character, as well as reproduction, publication, circulation, and other use of the fingerprints and other information gained from or about them which the investigating officers may deem necessary in conducting their investigation.

(c) The Board of Supervisors may establish fees for investigations by various departments. The amount of each fee shall be set from time to time by resolution of the Board of Supervisors.

(d) The timelines established in this section apply solely to the business license review, and do not apply to the time needed to bring the business into compliance with applicable statutes or other requirements.

Section 16. Section 6-01-2020 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-2020. SHERIFF INVESTIGATIONS:

(a) The Sheriff shall review the business license application for the following types of businesses:

~~(1) Distribution and Display of Drug Paraphernalia, Chapter 13.~~

~~(2) (1) Fortune-Tellers, Chapter 15.~~

~~(3) (2) Junk Dealers, Chapter 19.~~

(3) Lawful Gambling Establishments, Chapter 17.

(4) Medical Marijuana Businesses, Chapter 21.

~~(4) (5) Public Dances and Dance Halls, Chapter 27.~~

~~(5) (6) Any other type of business for which this investigation is required pursuant to the particular Chapter in this Part addressing that type of business.~~

(b) To assist in the investigation of the applicant and any of the persons referred to in subdivision (b) of section 6-01-2000, the Sheriff may require any or all of said persons to be fingerprinted and/or photographed by the Sheriff. ~~The applicant shall pay to the Sheriff the service fees prescribed in Part 1 of this Code for each person to be fingerprinted. These fees shall be in addition to the application fee prescribed in this Chapter. The Board of Supervisors of the County of Tulare may set by resolution fees to recover the costs of Sheriff investigations pursuant to this Chapter.~~

~~(c) The State Department of Justice charges a processing fee for each set of fingerprints which the Sheriff sends to said Department. The applicant shall deliver to the Sheriff a money order, certified check, or cashier's check, payable to the State Department of Justice, for the total amount of fees required by the Department of Justice to process all of the sets of fingerprints that are required by the Sheriff pursuant to subdivision (b) of this section.~~

~~(d) The Sheriff shall not be required to begin the investigation of the applicant until the fees required under subdivisions (b) and (c) of this section have been received by the Sheriff and, regardless of the provisions of subdivision (a) of Notwithstanding section 6-01-2010 of this Article, the Sheriff shall have a period of sixty (60) days after the receipt of said fees in which to file the report.~~

[§ 6-01-3010 was repealed in Ord. No. 3392 (probably in 2009), but the heading for it (Application Fee for Supplemental Application for Change of Business Premises, Transfer of Interest, Etc.) is still in the ordinance code. The Clerk to the BOS advised that she wants to leave the number of a repealed section in the ordinance code, but will instruct the online publisher to remove the heading in the next update. Accordingly, no amendments need to be included in this ordinance to get the heading removed.]

Section 17. Section 6-01-3020 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-01-3020: FEE EXEMPTIONS:

The following persons are exempt from the payment of business license fees but shall be required to file an application with the license collector:

(a) Every honorably discharged veteran who qualifies pursuant to the provisions of Business and Professions Code section 16102. ~~All claims for such exemption shall be referred by~~ A veteran wishing to claim the exemption from fees shall provide proof of honorable discharge status to the license collector to the Tulare County Veterans Service Office for investigation and recommendation.

(b) All nonprofit charitable, patriotic, religious, fraternal and educational organizations and any solicitor or peddler employed by such organization who has obtained tax-exempt status from the Franchise Tax Board. Any person claiming this exemption shall provide documentation of qualification as required by the license collector.

(c) Any person who has complied with the requirements of Section 135 of this Ordinance Code regarding waiver of fees.

Section 18. Section 6-01-3030 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is repealed

~~**SECTION 6-01-3030: LICENSE FEE:**~~

~~A license shall not be issued under the provisions of this Chapter until the license fee, in the amount prescribed in the Chapter relating to the license for which the application has been filed, has been paid to the license collector. If such license fee has not been paid within thirty (30) days after the date that the license collector is ready, willing and able to issue the license, the application shall be deemed to be withdrawn and the license collector shall not issue a license thereunder. The license fee shall be deemed necessary to defray the cost of inspecting the business premises and investigating the licensee from time to time to determine whether the business premises and the licensee are in compliance with all of the applicable provisions of this Part.~~

Section 19. Section 6-01-4000 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

§ 6-01-4000. DENIAL OF LICENSE APPLICATION: RECONSIDERATION:

(a) A business license application filed in accordance with the provisions of this Part may be denied by the license collector upon proof to the satisfaction of the license collector that such business may not be operated in accordance with health, safety, planning, building, zoning, or fire regulations, or other provisions of law or this Code, in a quiet and orderly manner, in conformance with considerations of public health, safety, and welfare, or that the nature of the business is not substantially as was represented in the license application.

(b) The license collector shall provide notice to the applicant of such denial. Notice shall be in writing and shall be served, either personally or by mail, to the address of the applicant as set forth in the application. The notice shall indicate the reason for denial and the process by which the applicant may request reconsideration by the license collector through an informal hearing at which the applicant may provide additional information. The Board of Supervisors may establish a fee for requesting reconsideration. The fee, if any, shall be set from time to time by resolution of the Board of Supervisors.

(c) An applicant's request for reconsideration must be filed or postmarked within ten (10) calendar days of the date on the notice of denial. Notice of the hearing shall be given in the same manner that notice of the denial was given. The notice shall include the date, time, and place of the hearing, and shall state that at the time of hearing the applicant may offer relevant evidence supporting reconsideration of the denial and the issuance of a license.

(d) The hearing shall be held within a reasonable time, but may be continued from time to time at the discretion of the license collector. The license collector shall issue a written decision within ten (10) days after the conclusion of the hearing. The written decision shall indicate the reason(s) for the denial, and shall include information regarding appeal to the Board of Supervisors.

Section 20. Section 6-01-4010 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

§ 6-01-4010. EMERGENCY SUSPENSION:

A license issued pursuant to this ~~Article~~ Part is subject to emergency suspension under the following conditions and procedures:

(a) If the appropriate investigating officer, including but not limited to the Sheriff, Director of the Resource Management Agency, the Health Officer, the Fire Chief, or one of their duly appointed deputies or authorized employees, determines that the manner in which the business is being conducted or the nature of the business premises does not meet the

requirements for the original issuance of a license and poses a threat to the immediate preservation of the public peace, health, safety, or general welfare, such officer may issue an emergency order against a licensee, or any person operating a licensed business on behalf of a licensee, immediately and temporarily suspending the license. The emergency order shall set forth the grounds upon which it is based, including a statement of facts constituting the alleged emergency necessitating the action. The emergency order is effective immediately upon issuance and service upon the owner, licensee or person operating the licensed business at the time of the issuance of the order.

(b) Within two business days after the emergency order is issued, the responsible investigating officer shall cause written notice of the emergency order to be sent to the licensee at the address listed on the license application and to the license collector. If the investigating officer desires a further suspension or revocation of the license pursuant to this Article and that the license remain suspended during such suspension or revocation proceedings, the investigating officer shall send with the written notice of the emergency order the written report required to suspend a license. Included in such report shall be the request that the license remain suspended and the facts showing the continued threat to the immediate preservation of the public peace, health, safety, or general welfare. The license collector shall set the hearing required for a suspension within fourteen calendar days of the date the emergency order was issued and shall thereafter proceed as set forth for a suspension. If the license was suspended pursuant to an emergency order, the license collector shall render a decision and send the required written notice of the decision within three business days of the close of the hearing.

Section 21. Section 6-01-4030 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

§ 6-01-4030. REVOCATION OF LICENSE:

(a) A license issued in accordance with the provisions of this Part shall be revocable at any time by the license collector upon proof to the satisfaction of the license collector that such business is not being operated in accordance with all applicable health, safety, planning, building, zoning, or fire regulations, in a quiet and orderly manner, in conformance with considerations of public health, safety and welfare, in conformance with the requirements of this Part for that particular type of business, or that the nature of the business is not substantially as was represented in the license application.

(b) Prior to the revocation of any license, the license collector shall provide notice to the licensee that such licensee is in violation of provisions of this Part, and that the license collector will hold ~~a~~ an informal hearing on the complaint and proposed revocation. The notice shall be in writing and served, either personally or by mail, to the address of the licensee as set forth in the license. The notice shall indicate the nature of the complaint, the date, time, and place of the hearing, and shall state that at the time of hearing the licensee may offer relevant evidence. The hearing shall be held within a reasonable time, but not less than ten (10) days after personal service or fifteen (15) days after mailing of the notice to the licensee. The license collector shall issue a written decision within ten (10) days after the conclusion of the hearing. The written

decision shall indicate the reason(s) for the revocation, and shall include information regarding appeal to the Board of Supervisors.

(c) Notwithstanding subdivision (b) of this section, licenses may be immediately revoked without notice and prior to any hearing if, in the judgment of the license collector, the continuance of the business activity represents an immediate threat or danger to the public health or safety. In such a circumstance, the license collector shall provide notice of the immediate revocation in the same manner as set forth in subdivision (b) of this section on the day of revocation. The notice shall indicate the reason(s) for the revocation and that the license collector will hold ~~a~~ an informal hearing on the revocation. The notice shall indicate the date, time, and place of the hearing, and shall state that at the hearing the licensee may offer relevant evidence. The hearing shall be held within a reasonable time, but not less than five (5) days after personal service or ten (10) days after mailing of the notice to the licensee(s), unless the licensee and license collector stipulate otherwise in writing. The license collector shall issue a written decision within ten (10) days after the conclusion of the hearing. The written decision shall indicate the reason(s) for the denial, and shall include information regarding appeal to the Board of Supervisors.

Section 22. Section 6-01-4050 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-01-4050. APPEAL TO BOARD OF SUPERVISORS:

(a) Any person aggrieved by any decision of the license collector under this Part may appeal to the Board of Supervisors as provided in Section 165 of this Code. The appeal and any appeal fee as may be adopted from time to time by resolution of the Board of Supervisors must be filed within ten (10) days of the mailing of notice of such decision or the deadline listed in Section 165, whichever is later. The decision of the license collector shall be stayed pending hearing of the appeal, except when the license collector's revocation is based upon an immediate threat or danger to the public health or safety.

(b) The Board of Supervisors shall fix a time and place for such appeal and the license collector shall give notice in writing to the aggrieved party of the time and place of the hearing by personal delivery or by mail, addressed to the licensee at the address appearing on the licensee's or applicant's application or license. The hearing shall be set to be heard by the Board of Supervisors within sixty (60) days of receipt of the appeal, unless the appellant(s) and the County stipulate to extend the time for hearing.

(c) At a hearing regarding an initial application, or an extension ~~or transfer~~ of a license, the applicant shall bear the burden of proof. At a hearing regarding a denial of renewal or a revocation, the license collector shall bear the burden of proof.

(d) The decision of the Board of Supervisors shall be final and conclusive, and shall be served on the appellant, by personal delivery or by mail, within thirty (30) days after the conclusion of the hearing.

Section 23. Section 6-01-5010 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-01-5010. ENFORCEMENT:

(a) Appropriate County officials, including but not limited to the License Collector, the Sheriff, the Fire Department, Code Enforcement, and the Environmental Health Department, shall be permitted to enter, free of charge during normal working hours, any business required to be licensed under this Part, for the purpose of inspection or to demand the display of any business license required.

(b) When a person shall by use of signs, circulars, cards, telephone listings, advertisements, or by any other method holds out or represents that he or she is in business in the county, or when any person holds an active license issued by a governmental agency indicating that he or she is in business in the county, these facts shall be considered prima facie evidence that the person is conducting a business in the county.

Section 24. Article 6 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

ARTICLE 6. SEVERABILITY

Section 6-01-6000. SEVERABILITY:

If any clause, sentence, paragraph, or part of this Part, for any reason, is adjudged by a court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of this Part and the application thereof to other persons or circumstances, but shall be confined to the operation of the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment was rendered and to the person or circumstances involved.

[Following are amendments to ch. 3, Adult-Oriented Businesses]

Section 25. Section 6-03-1000 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-03-1000. ~~INTENT~~ APPLICATION OF GENERAL PROVISIONS:

~~It is the intent of this chapter to reasonably regulate adult oriented businesses from occurring within the County of Tulare. It is neither the intent nor the effect of this chapter to~~

~~impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to adult-oriented materials or to their intended market.~~

~~Nothing in this chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any other county ordinance or any California statute, including those relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.~~

Unless the provisions of this Chapter provide otherwise or conflict, all of the provisions of Chapter 1 of this Part are applicable to the licenses referred to in this Chapter.

Section 26. Section 6-03-1005 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-03-1005. INTENT:

It is the intent of this chapter to reasonably regulate adult-oriented businesses occurring within the County. It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to adult-oriented materials or to their intended market.

Nothing in this chapter is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building or use which violates any other county ordinance or any California statute, including those relating to public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

Section 27. Section 6-03-1010 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-03-1010. DEFINITIONS:

For purposes of this chapter, words and terms shall have the following meanings:

(a) “Adult-oriented bookstore” means any establishment which as a regular and substantial course of conduct displays or distributes adult-oriented material.

(b) “Adult-oriented business” means any establishment which as a regular and substantial course of conduct operates as an adult-oriented bookstore, adult-oriented movie theater, adult-oriented cabaret, adult-oriented motel/hotel, adult-oriented novelty shop, or any other establishment which as a regular and substantial course of conduct offers to its patrons adult-

oriented merchandise, adult-oriented material, or services or entertainment which are distinguished or characterized by an emphasis on matter depicting, describing, displaying, or presenting specified sexual activities or specified anatomical parts, but not including those uses or activities the regulation of which is preempted by state law.

(c) “Adult-oriented cabaret” means a nightclub, bar, restaurant, or similar establishment which features any type of live entertainment which is distinguished or characterized by its emphasis on matter depicting, describing, displaying or presenting specified sexual activities or specified anatomical parts.

(d) “Adult-oriented hotel or motel” means a hotel or motel which:

(1) As a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, video recorders or players or any other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts; or

(2) Rents, leases, or lets any room (other than a conference room) for less than a six-hour period.

(e) “Adult-oriented material” means any adult-oriented book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video tape recording, CD, DVD, or other visual representation which is distinguished or characterized by an emphasis on matter depicting, describing, displaying or presenting specified sexual activities or specified anatomical parts, or adult oriented-merchandise.

(f) “Adult-oriented merchandise” means adult-oriented implements, devices or paraphernalia, which are designed or marketed primarily for use in specified sexual activities.

(g) “Adult-oriented movie theater” means a business where films, computer-generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and as a regular and substantial course of such conduct is distinguished or characterized by an emphasis upon depicting, describing, displaying or presenting specified sexual activities or specified anatomical parts.

(h) “Adult-oriented novelty shop” means a retail shop which features as a regular and substantial course of conduct the sale of adult-oriented merchandise.

(i) “Adult-oriented theater” means a theater, concert hall, auditorium or similar establishment which regularly features live performances which are distinguished or characterized by an emphasis on depicting, describing, displaying or presenting specified sexual activities or specified anatomical parts.

(j) “Individual viewing area” means a viewing area designed for occupancy by one person.

(k) “License collector” means the license collector as provided in Chapter 1 of this Part.

(l) “Owner” or “licensee” means:

(1) The sole proprietor of an adult-oriented business; or

(2) Any general partner of a partnership which owns and operates an adult-oriented business; or

(3) The owner of a controlling interest in a corporation, limited liability company or limited liability partnership which owns or operates an adult-oriented business; or

(4) The person designated by the officers of any such business organization to be the licensee for an adult-oriented business owned and operated by the corporation.

(m) “Premises” means the building(s) and space occupied by an adult-oriented business, or the space in a building occupied by an adult-oriented business.

(n) “Regular and substantial conduct” means:

(1) Devoting more than 15 percent of total display area to the display of adult-oriented merchandise or adult-oriented material, or more than 15 percent of time or business to the specified conduct; or

(2) Presenting any type of live entertainment characterized by an emphasis on specified sexual activity or specified anatomical parts.

(o) “Specified anatomical parts” means:

(1) Less than completely and opaquely covered human genitals, pubic hair, perineum, anal region, pubic hair region, or female breast below a point immediately below the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(p) “Specified sexual activities” means:

(1) Actual or simulated: sexual intercourse, oral copulation, anal intercourse, masturbation, direct physical stimulation of genitals; or

(2) Fondling or erotic or sexually-oriented touching of human genitals, pubic region, buttocks, natal cleft, anal region or female breast.

Section 28. Section 6-03-1030 of Chapter 3 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-03-1030. LICENSE APPROVAL: STANDARDS:

(a) The Licensing Agency shall conduct an investigation upon receipt of the completed application in accordance with the provisions of Sections 6-01-2010, 6-01-2020 and 6-01-2030 of Article 2 of Chapter 1 of this Part ~~VI~~.

(b) The license collector shall, within 30 calendar days ~~of filing of a complete license application,~~ after the completion of the investigation, approve and issue the adult-oriented business license if the standards and requirements of this chapter have been met; otherwise, the license shall be denied. Notice of the approval or denial of the license shall be given to the owner in writing by first class mail, certified, postage prepaid, deposited in the United States Postal Service within three business days of the date of such decision. The times set forth in this subdivision shall not be extended except upon the written consent of the applicant.

(c) The license collector shall approve and issue an adult-oriented business license, but only for the location and adult-oriented business specified in the application, if the application and evidence submitted show that:

(1) The adult-oriented business will be located in a zone permitting adult-oriented businesses as a use, or will have a legal nonconforming status under county zoning regulations;

(2) The adult-oriented business will not be located, in whole or in part, within any portable structure;

(3) The adult-oriented business will not conduct or sponsor any special events, promotions, festivals, concerts or similar activities which would increase the demand for parking spaces beyond the approved number of spaces for the business;

(4) The applicant, or the applicant's representatives, have not knowingly made any false, misleading or fraudulent statement of material fact in the application or in any report or record required to be filed with the license collector;

(5) The applicant is at least twenty-one (21) years of age; and

(6) The applicant verifies that the proposed adult-oriented business can and will be operated in accordance with the requirements of this chapter.

Section 29. Section 6-03-1060 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-03-1060. LICENSE DURATION:

An adult-oriented business license shall be valid for a the period of ~~one year from the date of license approval~~ time specified in Section 6-01-1100.

[Following are amendments to Ch. 7, Ambulance and Emergency Medical Services]

Section 30. Section 6-07-1000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-07-1005.

[SECTION ~~6-07-1000~~ 6-07-1005. PURPOSES: LIBERAL CONSTRUCTION:

The purposes of this Chapter are to provide for the regulation of all emergency medical transportation services and the emergency medical services connected therewith in order to protect the health, safety and welfare of the residents of the County and to ensure that competent and adequate care is provided to those residents in need of such services. Further, it is the purpose of this Chapter to regulate the provision of such services where there is a sudden need of immediate medical attention or, in non-emergency situations, a need for basic or limited advanced life support services as defined by the California Health and Safety Code. This Chapter shall be liberally construed for the accomplishment of these purposes.]

Section 31. New Section 6-07-1000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-07-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all of the provisions of Chapter 1 of this Part are applicable to the licenses referred to in this Chapter.

Section 32. Section 6-07-1030 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-07-1030. ADMINISTRATION AND ENFORCEMENT:

Except as otherwise specifically provided in this Chapter, the Health Director or license collector, as appropriate, shall be responsible for the administration and enforcement of this Chapter.

Section 33. Section 6-07-5130 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

§ 6-07-5130. BUSINESS LICENSE:

A person applying for or holding an ambulance service provider license under this Chapter shall also obtain a separate business license, if required pursuant to Chapter 1 of this Part. Such separate business license shall be valid for the term specified in § 6-01-1100.

Section 34. Section 6-07-5000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-07-5000. APPLICATION; FEES:

Any person desiring an ambulance service provider license shall file with the Health Director an application upon a form provided by the Health Director. Such application shall be accompanied by an application fee of One Hundred Dollars (\$100) in the amount set by the Board of Supervisors by resolution from time to time to defray the expenses of processing the application and shall be verified under penalty of perjury. The application shall include the following information:

(a) The name and address of the applicant and all owners and officers of the business and their percentage of ownership.

(b) The business address and, if different, any and all addresses where any ambulance, operating equipment and supplies are located or will be kept.

(c) The fictitious name, if any, under which the applicant does business or proposes to do business.

(d) The training and experience of the applicant in the transportation and care of patients.

(e) A complete description of each vehicle the applicant proposes to operate. Such description should include make, year of manufacture (and in the case of type I and type III, the

year of manufacture of patient compartment), motor and chassis numbers, California state license number for the current year, and the color scheme, insignia, name, monogram, or other distinguishing characteristics used to identify such vehicle.

(f) A statement of financial status and responsibility in a form acceptable to the Health Director.

Section 35. Section 6-07-5100 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-07-5100. LICENSE: FEES:

Ambulance service provider licenses shall be issued by the license collector upon order of the Board. The fee for each annual ambulance service provider license shall be ~~One Hundred Dollars (\$100)~~ set from time to time by resolution of the Board of Supervisors. Each provider shall also pay, ~~plus an additional fee of Twenty Five Dollars (\$25.00)~~ in the amount set from time to time by resolution of the Board of Supervisors for each vehicle proposed to be used by the ambulance service provider licensee. This fee shall be paid to the license collector for the balance of the initial calendar year, without proration, prior to the issuance of the ambulance service provider license. If such fee is not paid within thirty (30) days after the order of issuance by the Board, the application shall be deemed withdrawn and the license collector shall not issue an ambulance service provider license thereunder. Any applicant for a license for an exclusive operating area to be issued after a competitive procedure pursuant to Article 3 shall also pay an application fee of ~~Five Hundred Dollars (\$500.00)~~ in the amount set from time to time by resolution of the Board of Supervisors upon filing the application for the license, and in addition shall pay the annual fee specified in this section during each year of the exclusive operating area license. There shall be no refund or waiver of any part of any fee provided in this section except in accordance with sections 130 or 135 of this Ordinance Code.

Section 36. The heading of Article 9 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**ARTICLE 9. SUSPENSION AND REVOCATION OF AMBULANCE SERVICE
~~PROVIDE PROVIDER~~ LICENSES**

[Following are amendments to ch. 9, Licensing and Regulation of Nonprofit Organizations for the Operation of Bingo Games]

Section 37. Section 6-09-1000 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-09-1005.

[SECTION 6-09-1000 6-09-1005. PURPOSE:

It is the purpose of this Chapter to authorize the playing of the game of chance generally known as “bingo” subject to and pursuant to the restrictions contained in Article IV, section 19, subdivision (c) of the California Constitution and section 326.5 of the California Penal Code. Definitions, conditions, and restrictions set forth in this Chapter are intended to comply with and implement the constitutional and Penal Code provisions.]

Section 38. New Section 6-09-1000 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-09-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all the provisions of Chapter 1 of this Part which pertain to the licensing and regulation of businesses are applicable to the license referred to in this Chapter.

Section 39. Section 6-09-2010 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-09-2010. TERM OF LICENSE AND FEES:

~~The term of a bingo license shall be one year from the date of issuance valid for the period of time specified in Section 6-01-1100 and may be renewed annually thereafter. Notwithstanding the provisions of Section 6-01-3020, any person applying for a bingo license shall pay the applicable fee. The fee for a bingo license shall be Fifty Dollars (\$50.00). The fee for renewal shall be Fifty Dollars (\$50.00) set from time to time by resolution of the Board of Supervisors. The appropriate fee shall accompany the submission of each application. One half of the fee is refundable if the license is denied. The license, if granted, shall contain the following information:~~

- ~~(a) The name and nature of the organization to which the permit is issued.~~
- ~~(b) The address where the bingo games are authorized to be conducted.~~
- ~~(c) The maximum occupancy of the room in which the bingo games are to be conducted.~~

~~(d) The date of the commencement of the permit.~~

~~(e) The date of the expiration of the permit.~~

~~(f) The days and hours during which bingo may be conducted.~~

~~(g) Such conditions as may have been recommended by the Sheriff, Planning Director or Health Officer.~~

Section 40. Section 6-09-2015 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-09-2015. LICENSE INFORMATION:

The license, if granted, shall contain the following information:

(a) The name and nature of the organization to which the permit is issued.

(b) The address where the bingo games are authorized to be conducted.

(c) The maximum occupancy of the room in which the bingo games are to be conducted.

(d) The date of the commencement of the permit.

(e) The date of the expiration of the permit.

(f) The days and hours during which bingo may be conducted.

(g) Such conditions as may have been recommended by the Sheriff, Resource Management Agency Director, or Health Officer.

Section 41. Section 6-09-3020 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-09-3020. RECORDS AND REPORTS:

Each licensee conducting a bingo game shall maintain detailed records of all proceeds, profits, expenditures, prizes and other expenses relating to the operation of the bingo game. Such records shall be retained for a period of three (3) years and as long thereafter as may be required by any State or Federal law. Such records, including related bank accounts, shall be open for inspection at any time by the Sheriff, ~~Auditor/Controller/Treasurer/Tax Collector~~ license collector, or any State or Federal official in the performance of his or her duties. Within fifteen (15) days after March 31, June 30, September 30, and December 31 during the license

period the licensee shall file a report, under penalty of perjury, with the license collector containing the following information:

- (a) Any changes in or additions to the information required in the application.
- (b) The total amount of money received from the operation of bingo games during the previous three (3) month period.
- (c) The total amount paid out in prizes.
- (d) Detailed costs to the licensee of the operation of the bingo games.
- (e) All disbursements from the fund.

Failure to timely file reports shall be grounds for suspension, revocation or nonrenewal of a license.

Section 42. Section 6-09-3020 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-09-3040. APPLICATION DENIAL, LICENSE SUSPENSION AND/OR REVOCATION:

In addition to the grounds specified in Chapter 1, the license collector, based on advice from the Sheriff, may deny an application for a bingo license, or may suspend or revoke a license, [comma added] if he or she finds the applicant or licensee or any agent or representative thereof has:

- (a) Knowingly made any false, misleading or fraudulent statement of a material fact in the application or in any record or report required to be filed under this Chapter; or
- (b) Violated any of the provisions of this Chapter.

If the license collector wishes to take such an action, the license collector shall proceed as provided in Chapter 1 of this Part. Appeal and judicial review shall be as provided in that chapter.

[Following are amendments to ch. 11, Circus and Carnival Operators]

Section 43. Section 6-11-2010 of Chapter 11 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-11-2010. SAME: EXEMPTION:

An applicant who files an application on behalf of any bona fide charitable, patriotic, educational, benevolent, or fraternal organization, pursuant to the provisions of this Chapter, shall not be required to furnish the information required in subdivision (e) of section 6-01-2000, or section 6-01-2020, nor to be subject to the investigation required in paragraph (4) of subdivision (a) of section 6-01-2010, nor to pay the fee required in ~~subdivision (a) of section 6-01-3000~~ of this Part.

Section 44. Section 6-11-2020 of Chapter 11 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-11-2020. LICENSE FEE: TERM:

The term of each license issued pursuant to this Chapter shall be for certain specified dates rather than an annual license. The fees for a license to operate a circus or carnival shall be set from time to time by resolution of the Board of Supervisors.

~~(a) Circus: Fifty Dollars (\$50.00) for each ring.~~

~~(b) Carnival: One Hundred Dollars (\$100).~~

[Following is a new chapter for Cottage Food Operators]

Section 45. Chapter 12 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

CHAPTER 12. COTTAGE FOOD OPERATORS

SECTION 6-12-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all the provisions of Chapter 1 of this Part which pertain to the licensing and regulation of businesses are applicable to the license referred to in this Chapter.

SECTION 6-12-1010. LICENSE REQUIREMENT.

Notwithstanding the general exemption in Section 6-01-1055 for a business in which the only business premises are located in a residence, a cottage food operator shall have a business license.

SECTION 6-12-1020. DEFINITION.

“Cottage food operator” means a person operating a cottage food operation as defined in Health and Safety Code section 113758.

[Following are amendments to ch. 15, Fortune Telling]

Section 46. Section 6-15-1000 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-15-1010.

[SECTION ~~6-15-1000~~ 6-15-1010. PURPOSE:

The purpose of this Chapter is to protect the health, welfare, and safety of the public at large and patrons of fortune-telling establishments by ensuring that the services provided by those establishments are, to the greatest extent possible, free from fraud, corruption, vice, trickery, and other criminal influences.]

Section 47. Section 6-15-1010 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-15-1000.

[SECTION ~~6-15-1050~~ 6-15-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all the provisions of Chapter 1 of this Part which pertain to the licensing and regulation of businesses are applicable to the license referred to in this Chapter.]

[Following are amendments to ch. 17, Lawful Gambling Establishments, Controlled Gaming, and Gambling Enterprise Employees]

Section 48. Section 6-17-1020 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-17-1020. INTENT OF THE COUNTY: REQUIREMENTS OF GAMBLING CONTROL ACT OF 1997:

(a) By adopting this ~~Article~~ Chapter, it is the intent of the County of Tulare to comply with the mandates of the Gambling Control Act (Business and Professions Code Sections 19800 et seq.), as adopted and as amended from time to time. The Gambling Control Act provides for uniform, minimum standards of regulation of permissible gambling activities and the operation of lawful gambling establishments (Business and Professions Code Section 19802, subd. (a)).

Section 49. Section 6-17-2020 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-17-2020. LICENSE FEES: TERM:

(a) The annual fee for a ~~Tulare~~ County license to operate a gambling establishment shall be set from time to time by resolution of the Board of Supervisors. ~~A separate fee shall be charged Two Hundred Dollars (\$200)~~ for each table that will be available on the business premises for the playing of any controlled game.

(b) The annual fee for a ~~Tulare~~ County license to perform the services of a gambling enterprise employee shall be ~~Fifty Dollars (\$50.00)~~ set from time to time by resolution of the Board of Supervisors.

(c) The term of a ~~Tulare~~ County gambling establishment license shall be ~~one year from the effective date of the State of California gambling establishment license~~ the period of time specified in Section 6-01-1100.

Section 50. Section 6-17-2040 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-17-2040. GAMBLING ENTERPRISE EMPLOYEE: FORM OF LICENSE:

Every gambling enterprise employee license shall bear the photograph of the licensee. The licensee shall furnish ~~a photograph of~~ to the license collector the number, size, and type of

~~photographs requested~~ required by the license collector. The license collector, ~~who~~ shall affix ~~the one~~ photograph to the license.

Section 51. Section 6-17-3080 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-17-3080. INSPECTION OF PREMISES:

(a) All gambling establishments shall be open for inspection during normal business hours to the Sheriff, the ~~County Auditor-Controller/Treasurer-Tax Collector~~ license collector, the County Health Department, the County Fire Department, and the County Resource Management Agency, or their duly authorized representatives, without search warrant. It shall be unlawful for any licensee to operate a gambling establishment in such a manner so as to make such gambling establishment difficult of access to peace officers or other County officials.

(b) All gambling establishment records, including, but not limited to, papers, books of account, ledgers, audits, reports, personnel records, information stored in computers and on computer tape or disks, video tape, microfilm or microfiche, shall be available for inspection and copying during normal business hours to the Sheriff, the ~~Auditor-Controller/Treasurer-Tax Collector~~ license collector, or their duly authorized representatives, without search warrant.

[Following are amendments to ch. 19, Junk Dealers]

Section 52. Section 6-19-1005 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-19-1005. INTENT:

The intent of this chapter is to adopt license requirements for junk dealers and itinerant junk dealers. This chapter is not intended to conflict with any requirements of state law, in particular Business and Professions Code section 21600 et seq. If any conflict is determined to exist between this chapter and state law, state law shall prevail.

Section 53. Section 6-19-1010 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-19-1010. DEFINITIONS:

The following words and phrases, as used in this Chapter, shall have the following meanings:

(a) "Business" and "junk business" mean the buying, selling, trading, dealing in, or collecting of junk for profit.

(b) "Itinerant junk business" means the operation of a junk business without a fixed place of business and by soliciting such business or collecting junk by traveling from place to place. The phrase "itinerant junk business" shall not include pick up or delivery of junk in connection with transactions which are solicited or consummated only at or from a fixed place of business.

~~(c) "Junk" means any used machinery, motors, engines, rigging, pipes, valves, boilers, tanks, or parts thereof, or any used parts or accessories of automobiles, or any old or used metal pieces, sheets, tools, cable, wire, or any old or used paper, bottles, boxes, sacks, bags, ropes or rags, or any and all secondhand and used furniture or other personal property, and includes used automobiles, except as provided in section 6-19-1050 of this Chapter shall be defined as provided by state law (currently Business and Professions Code section 21600 et seq.).~~

~~(d) "Junk dealer" means any person who engages in, operates, or owns any interest in a junk business or itinerant junk business shall be defined as provided by state law (currently Business and Professions Code section 21600 et seq.).~~

Section 54. Section 6-19-1050 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-19-1050. EXCEPTIONS TO LICENSE REQUIREMENT:

This Chapter shall not apply to any of the following persons:

~~(a) Any dealer in used automobiles who operates a motor vehicle sales agency that is not carried on and conducted in conjunction with a junk business person described as not subject to Business and Professions Code section 21600 et seq.~~

~~(b) Any dealer in used or secondhand furniture, furnishings or household appliances who operates one or more fixed places of business.~~

~~(c) Any person who is in the business of selling new articles and who takes any similar used article in trade in connection with the sale of a new article, and who offers to sell or sells, or otherwise disposes of such used articles which are taken in trade.~~

~~(d)~~ (b) Any bona fide charitable, patriotic, educational, benevolent or fraternal organization that engages in the junk business and the proceeds from such business, above normal expenses, are to be used exclusively in carrying out the purposes of such organization. Such organization shall furnish to each driver of every vehicle used to collect junk for such organization, and to every individual employed to assist such driver, an identification card containing the name of the organization, and the name and complete description of the driver or individual employed to assist a driver, including age, sex, race, height, weight, complexion, and color of eyes and hair.

Section 55. Section 6-19-2000 of Chapter 19 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-19-2000. APPLICATION: FORM:

In addition to the information required by Chapter 1 of this Part, the application for a license shall include ~~the following information:~~ [¶ deleted] ~~(a) A~~ a description of all motor vehicles that will be used in the ~~itinerant~~ junk business for the conveyance of junk.

Section 56. Section 6-19-2010 of Chapter 19 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-19-2010. LICENSE FEES:

(a) The annual fee for a license to operate a junk business shall be ~~One Hundred Dollars (\$100)~~ set from time to time by resolution of the Board of Supervisors. A separate license shall be obtained for each noncontiguous location upon which the business is conducted, including, but not limited to, each junk storage yard.

(b) The annual fee for a license to operate an itinerant junk business shall be ~~One Hundred Dollars (\$100)~~ set from time to time by resolution of the Board of Supervisors. A separate license shall be obtained for each vehicle, including, but not limited to, devices moved by human or animal power, used for the conveyance of junk.

(c) This fee shall be in addition to the application or renewal fee applicable under Chapter 1 of this Part.

Section 57. Section 6-19-3000 of Chapter 19 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-19-3000. RECORD OF TRANSACTIONS:

~~Every junk dealer shall secure and maintain in his or her possession a substantial bound book with pages numbered in consecutive order. At the time of the purchase, receipt, sale or disposal of any junk, the junk dealer shall enter only the following information in said book:~~

~~(a) A detailed description of the junk, including any serial numbers or other particular and permanent marks of identification.~~

~~(b) The date on which the junk was purchased, received, sold or otherwise disposed of.~~

~~(c) The price paid for the junk shall be entered in the book when the purchase of the junk is entered in the book.~~

~~(d) The name, address, occupation and signature of the person from whom the junk salvage was purchased or received, or of the person to whom the junk was sold or disposed of.~~

~~(e) The license number of any vehicle used to transport the junk to or from the place of business of the junk dealer.~~

~~Said book shall be kept neat and clean, all entries therein shall be legibly written, and no page shall be removed from such book at any time. The junk dealer shall allow the District Attorney, any investigating officer, or any peace officer to inspect said book upon request. A violation of any provision of this section shall be a misdemeanor.~~

Every junk dealer shall keep written records as provided in Business and Professions Code section 21600 et seq.

Section 58. Section 6-19-3010 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-19-3010. REPORT OF TRANSACTIONS:

~~Not less than once each week, every junk dealer shall file with the Sheriff, at the office of the Sheriff in Visalia, a written report, on a form prescribed by the Sheriff, containing all of the information, except signatures, which is required to be entered in the book referred to in this Article. Said report shall be made not later than one (1) week after the purchase, receipt, sale or disposal of any junk and shall include all transactions not previously reported to the Sheriff. It shall be unlawful for any person to violate any of the provisions of this section.~~

Every junk dealer shall report the information contained in the written records as required by Business and Professions Code section 21600 et seq.

Section 59. Section 6-19-3020 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-19-3020. RETENTION AND DISPLAY OF JUNK:

~~All junk purchased or received by a junk dealer, other than an itinerant junk dealer, shall be retained at his place of business for a period of not less than ten (10) days after the purchase or receipt of said junk, and during such time said junk shall be available for inspection by the public during business hours. A violation of any provision of this section shall be a misdemeanor.~~

Every junk dealer shall retain items as required by Business and Professions Code section 21600 et seq.

[Following are amendments to Ch. 20, Mobile Food Vendors]

Section 60. Section 6-20-2010 of Chapter 20 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-20-2010. INVESTIGATION OF APPLICANT:

(a) An application under this Chapter shall include such information as may be required by the License Collector in order to determine that the proposed business will comply with the criteria in this Chapter and applicable laws. This information shall include, but not be limited to, a copy of the Health Officer's certification that the proposed business will comply with the applicable food, health, safety and sanitation laws, ordinances, and regulations. If the mobile food vendor plans to stop on the public highway, the vendor shall include an indemnification agreement pursuant to section 6-20-3010. If the mobile food vendor plans to stop for longer than one hour off the public highway, the vendor shall include the permission of the property owner.

(b) By filing an application, the applicant and all persons referred to in subdivision (b) of section 6-01-2000 shall be deemed to have waived any and all objections to, and to have thereby authorized, any and all investigations concerning their business history, past employment, and property ownership.

(c) The provisions of section 6-01-2020 of Chapter 1 of this Part relating to fingerprinting and photographing shall not apply to applicants for licenses issued under this ~~Article~~ Chapter.

Section 61. Section 6-20-2030 of Chapter 20 of Part VI of the Ordinance Code of Tulare County is repealed.

~~**§ 6-20-2030. LICENSE FEES: EXCEPTIONS:**~~

~~Every honorably discharged veteran who qualifies pursuant to the provisions of Business and Professions Code section 16102 shall be exempt from payment of the license fee required by this Article. All claims for such exemption shall be referred by the license collector to the Tulare County Veterans Service Office for investigation and recommendation.~~

Section 62. Section 6-21-1020 of Chapter 21 of Part VI of the Ordinance Code of Tulare County is repealed.

~~SECTION 6-21-1020. GENERAL BUSINESS LICENSE REGULATIONS:~~

~~Unless the provisions of this Chapter provide otherwise or conflict, all of the provisions of Chapter 1 of this Part are applicable to the licenses referred to in this Chapter.~~

Section 63. Section 6-21-1060 of Chapter 21 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-21-1060. LICENSE DURATION:

A medical marijuana business license shall be valid for ~~a period of one year from the date of license approval~~ the period of time specified in Section 6-01-1100.

[Following are amendments to ch. 23, Outdoor Festivals]

Section 64. Section 6-23-1000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-23-1005.

~~[SECTION 6-23-1000~~ 6-23-1005. LICENSE REQUIRED:

It shall be unlawful for any person to conduct or operate an outdoor festival within the County of Tulare without having a license to engage in such business issued in accordance with the provisions of this Chapter.]

Section 65. New Section 6-23-1000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-23-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all the provisions of Chapter 1 of this Part which pertain to the licensing and regulation of businesses are applicable to the license referred to in this Chapter.

Section 66. Section 6-23-2010 of Chapter 23 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-23-2010. APPLICATION FEE:

At the time of the filing an application, an application fee in the amount of ~~Three Hundred Dollars (\$300)~~ set from time to time by resolution of the Board of Supervisors shall be paid to the license collector for the purpose of defraying the expenses of investigation of the applicant, the property on which the outdoor festival will be conducted and the proposals submitted by the applicant. No part of said application fee shall be refunded.

Section 67. Section 6-23-2050 of Chapter 23 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

SECTION 6-23-2050. INVESTIGATION OF APPLICANT AND PREMISES:

Within two (2) days after the application is filed, the license collector shall send copies of the application and all accompanying documents to the ~~Building Engineer, Planning Resource Management Agency~~ Director, District Attorney, Fire Chief, Health Officer, Road Commissioner, Risk Manager, and Sheriff. Said officers shall investigate and file reports with the license collector ~~prior to the hearing~~. Said reports shall cover, but are not to be limited to, compliance with applicable laws, ordinances and regulations. In addition to other matters, the Sheriff and District Attorney shall report on the moral character and integrity of the applicant and whether the outdoor festival will hamper law enforcement. In addition to the matters specified above, the appropriate officers shall also report their recommendations with regard to the conditions to be imposed on the license pursuant to Article 4 of this Chapter.

Section 68. Section 6-23-4110 of Chapter 23 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

§ 6-23-4110. PARKING FACILITIES: ATTENDANTS:

The licensee shall provide adequate parking areas for persons traveling to the outdoor festival by motor vehicle. One (1) parking space not less than eight (8) feet in width and having a net usable area, exclusive of drives, of at least one hundred forty (140) square feet shall be provided for every two (2) persons which the license permits to attend the outdoor festival. Such parking spaces shall be graded, marked, and separated by a physical barrier from the area where the patrons will watch the performance. The Resource Management Agency Director ~~of Planning~~ shall review the parking plan and determine whether it will be adequate for the purpose. At all times, commencing one (1) hour before the start of the outdoor festival and ending one (1) hour after the termination of the outdoor festival, the licensee shall provide parking attendants at each entrance and exit to the parking lot and within the parking lot.

Section 69. Section 6-23-4150 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-23-4150. CONTROL OF SOUND:

The licensee shall follow methods approved by the Resource Management Agency Director of Planning in order to prevent the music and other sounds generated by the outdoor festival from being injurious or offensive to inhabitants of the area. There shall be a minimum distance of one thousand three hundred twenty (1,320) feet between the source of such sound and the nearest place of human habitation.

Section 70. Section 6-23-4160 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-23-4160. ILLUMINATION:

A licensee who intends to conduct an outdoor festival after dark, or to allow persons to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied will be lighted at all times. The ~~Building Engineer~~ Resource Management Agency Director shall determine whether the applicant's lighting plan will be adequate for the purpose. The licensee shall illuminate the various areas in accordance with the following scale of lighting intensity:

Open areas reserved for spectators	5 to 10 foot candles
Stage areas	75 to 100 foot candles
Parking and overnight areas	1 to 5 foot candles
Restroom and concession areas	20 to 50 foot candles

Section 71. Section 6-23-5000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is repealed.

~~**§ 6-23-5000. DIRECTIONS TO LICENSE COLLECTOR:**~~

~~If the decision of the Board of Supervisors is to grant the license to the applicant, the Board shall direct the license collector to issue the license and designate the conditions that are to be applicable to the license.~~

Section 72. Section 6-23-5010 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-23-5010. LICENSE FEES:

Prior to issuance of the license, the applicant shall pay to the license collector a license fee ~~in the amount of One Hundred Fifty Dollars (\$150)~~ for each day that the outdoor festival is to be conducted. The amount of the fee shall be set from time to time by resolution of the Board of Supervisors.

[Following are amendments to ch. 25, Peddlers, Hawkers, and Other Itinerant Vendors]

Section 73. Section 6-25-1010 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-25-1010. DEFINITIONS:

The following words and phrases, as used in this Chapter, shall have the following meanings:

(a) “Established place of business” means a geographically fixed location.

(b) “Peddler” means a person who travels about selling previously fabricated or prepared food, produce, or wares for contemporaneous delivery. “Peddler” includes “hawker” and “other itinerant vendor.”

(c) “Previously fabricated or prepared” means manufactured, prepared, raised, or otherwise produced in final form at an established place of business.

(d) “Vehicle” includes, but is not limited to, any vehicle capable of being moved as a mode of transport by human, animal, mechanical, or motor power.

Section 74. Section 6-25-1030 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-25-1030. EXCEPTIONS TO LICENSE REQUIREMENT:

This Chapter shall not apply to any of the following persons:

(a) Any ~~peddler person~~ who has ~~an~~ a permanent established place of business in the unincorporated area of the County at which ~~the~~ food, produce, or wares ~~peddled~~ are produced, prepared, displayed, or sold, or the employees of any such ~~peddler person~~.

(b) Any farmer ~~who sells produce owned and grown or raised by the farmer, or any of the farmer's employees who peddle such produce on the farmer's behalf~~ operating a farm stand, as defined in Health and Safety Code section 113778.2.

(c) Any bona fide charitable, patriotic, educational, benevolent, or fraternal organization that engages in the peddling business if the proceeds from such business, above normal expenses, are to be used exclusively in carrying out the purposes of the organization.

(d) Any commercial traveler selling food, produce, or wares on a wholesale basis.

Section 75. Section 6-25-1040 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-25-1040. FORM OF LICENSE:

A license shall contain the information required by Chapter 1 of this Part, and in addition shall contain the following information:

(a) A description, ~~including license and registration numbers for motor vehicles, of each~~ the individual vehicle authorized by the license to be used in the peddling business. The description shall be sufficient to identify the vehicle with particularity, such as the cart number or letter for a non-motorized vehicle, or the license and registration numbers for a motor vehicle.

(b) The name, description, and ~~current~~ mailing address of the licensee.

(c) A statement that the license applies only to the person whose name appears on the face of the license.

Section 76. Section 6-25-1050 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

6-25-1050. DISPLAY OF LICENSE:

The provisions of section 6-01-1120 of Chapter 1 of this Part shall not apply to a license issued pursuant to this Article.

Peddlers shall display their licenses ~~upon request~~ prominently upon the vehicle or other sales surface so that the license is visible to any County official or to any person with whom they transact business.

Section 77. Section 6-25-2000 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-25-2000. APPLICATION: FORM:

In addition to the information required under Chapter 1 of this Part, an application for a license under this Chapter shall contain the following information:

(a) A description of ~~all vehicles~~ the individual vehicle that will be used in the peddling business for the conveyance of food, produce, or wares. Said description shall include the license and registration numbers of any motor vehicle or other individual identifying information, such as a cart number or letter, for a non-motorized vehicle, advertising or business markings on the exterior of ~~each~~ the vehicle, and the capacity and nature of the storage facilities within ~~each~~ the vehicle.

(b) A description of the geographic area where the business will take place.

Section 78. Section 6-25-2010 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-25-2010. INVESTIGATION OF APPLICANT:

(a) ~~For the purpose of investigating applications filed under this Chapter, the~~ The Health Officer shall serve as the sole investigating officer ~~investigate applications filed by applicants involved in retail food sales, or dispensing food or beverages for human consumption. The license collector, upon receipt of a complete application and payment of the appropriate fee or fees, shall file a copy of the application with the Health Officer who shall, within thirty (30) days after receipt thereof~~ investigate applications filed by applicants involved in retail food sales, or dispensing food or beverages for human consumption. The license collector, upon receipt of a complete application and payment of the appropriate fee or fees, shall file a copy of the application with the Health Officer who shall, within thirty (30) days after receipt thereof the time provided in Chapter 1 of this Part, investigate, determine and report to the license collector whether operation of the business or proposed business complies or will comply with the applicable food, health, safety and sanitation laws, ordinances, and regulations. As part of this investigation, the applicant shall bring all vehicles described in this Chapter to a location designated by the Health Officer for inspection.

(b) Applications filed by applicants who wish to sell items not subject to review by the Health Officer shall be investigated as provided in Chapter 1 of this Part.

~~(b)~~ (c) By filing an application, the applicant and all persons referred to in subdivision (b) of section 6-01-2000 shall be deemed to have waived any and all objections to, and to have thereby authorized, any and all investigations concerning their business history, past employment, and property ownership.

~~(c)~~ (d) The provisions of section 6-01-2020 of Chapter 1 of this Part relating to fingerprinting and photographing shall not apply to applicants for licenses issued under this Article Chapter.

Section 79. Section 6-25-2020 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-25-2020. LICENSE FEES:

The An annual license fee shall be ~~Two Hundred Fifty Dollars (\$250) plus an additional fee of One Hundred Dollars (\$100)~~ paid for each vehicle proposed to be used by the licensee. The license collector shall issue a separate license in the name of the licensee for each vehicle for which an additional license fee has been paid pursuant to this section. The amount of the fee shall be set from time to time by resolution of the Board of Supervisors.

Section 80. Section 6-25-2030 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is repealed.

~~§ 6-25-2030. LICENSE FEES: EXCEPTIONS:~~

~~Every honorably discharged veteran who qualifies pursuant to the provisions of Business and Professions Code section 16102 shall be exempt from payment of the license fee required by this Article. All claims for such exemption shall be referred by the license collector to the Tulare County Veterans Service Office for investigation and recommendation.~~

Section 81. Section 6-25-3010 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-25-3010. HEALTH AND SANITATION

Every peddler using a temporary fixed place of sale, such as a table, blanket, or other non-vehicle, shall have adequate shade, water, and access to toilet facilities at all times.

(a) “Shade” means the provisions applicable to an employee subject to the state regulations regarding heat illness prevention in outdoor places of employment (currently tit. 8, Cal. Code Regs., § 3395).

(b) “Water” means readily available potable water.

(c) “Access to toilet facilities” means the peddler must have at least one of the following: a motor vehicle which the peddler can freely use at any time to transport himself or herself to a toilet facility, a portable toilet facility, or an approved and readily available toilet and handwashing facility within 200 feet travel distance by foot. This general rule does not apply if the products being peddled are subject to Health and Safety Code requirements regarding retail or wholesale food sales, or dispensing food or beverages for human consumption, in which case

the Health and Safety Code requirements, and any related ordinance, shall take precedence over this provision.

Section 82. Section 6-25-3020 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-25-3020. LOCATION

Peddlers using a temporary fixed place of sale, such as a table, blanket, or other non-vehicle, may transact business only on private property. All such peddlers shall obtain and carry at all times written permission from the assessed property owner of the parcel on which the business is transacted. No such peddler shall operate within or upon, and shall not sell, solicit, or barter, transact or solicit business within or upon, any right-of-way, public street, public park, public road, public sidewalk, public highway, or public property.

Section 83. Section 6-25-3030 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-25-3030. IDENTIFICATION

All peddlers shall carry identification enabling the County to determine that the person purporting to be a licensed peddler is in fact the licensed person.

[Following are amendments to ch. 27, Public Dances and Dance Halls]

Section 84. Section 6-27-2010 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-27-2010. SAME: EXEMPTION:

An applicant for a license to conduct a nonprofit dance shall not be required to furnish the information required in subdivision (e) of section 6-01-2000, or section 6-01-2020, nor to be subject to the investigation required in paragraph (4) of subdivision (a) of section 6-01-2010, nor to pay the fee required in ~~subdivision (a) of~~ section 6-01-3000 of this Part.

Section 85. Section 6-27-2020 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-27-2020. LICENSE FEES:

(a) The annual fee for a license to operate or conduct a public dance, except a nonprofit dance, shall be ~~One Hundred Dollars (\$100)~~ paid for each location upon which such public dance is to be conducted.

(b) At the request of the applicant, a license may be issued authorizing the licensee to conduct a public dance, other than a nonprofit dance, only on one specified date. ~~The fee for such a license shall be Twenty Dollars (\$20.00).~~

(c) The fees provided for in this section shall be paid in the amounts set from time to time by resolution of the Board of Supervisors.

[Following are amendments to Ch. 35, River Rafting]

Section 86. Section 6-35-1000 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-35-1005.

~~SECTION 6-35-1000~~ 6-35-1005. PURPOSE:

The several rivers located within Tulare County provide significant recreational opportunities for both the residents and visitors of the County. In recent years, such opportunities have induced several commercial operators to arrange and guide rafting trips on some of the County's rivers. The Board of Supervisors has found that such increased commercial use of the County's rivers poses a threat to the health, safety and welfare of the recreational users of the rivers, as well as to the property and environment owned or located in the vicinity of the rivers. The purpose of this Chapter is to address certain problems which result from use of the County's rivers by commercial rafting, including, without limitation, the following: parking and traffic congestion; food handling and sanitation; access to and from the rivers; violation of property rights; and adverse impacts on the riparian environment. This Chapter shall be liberally construed for the accomplishment of its purpose.]

Section 87. New Section 6-35-1000 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

SECTION 6-35-1000. APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all the provisions of Chapter 1 of this Part which pertain to the licensing and regulation of businesses are applicable to the license referred to in this Chapter.

§ 6-35-2030. LICENSE: ISSUANCE:

Upon receipt of an application, the license collector shall refer the application to the ~~Planning~~ Resource Management Agency Director. The ~~Planning~~ Resource Management Agency Director shall determine whether the applicant has complied with the requirements of Sections 6-35-2010 and 6-35-2020, and shall so advise the license collector. The license collector shall then grant or deny the permit. The grant or denial of a permit is intended to be a ministerial act based solely upon a determination of whether such requirements have been met. Within forty-five (45) days of receipt of an application, the license collector shall either issue the license or notify the applicant of any deficiencies in the application. All licenses shall be issued in form provided by the license collector, and may include conditions consistent with any applicable River Management Plan authorized by this Chapter and reviewed and approved by the Board of Supervisors, including, but not limited to, limitations on the number of floating devices, persons and trips permitted per day.

Section 88. Section 6-35-2040 of Chapter 35 of Part VI of the Ordinance Code of Tulare is amended to read as follows:

SECTION 6-35-2040. LICENSE: FEE:

An applicant shall pay an application fee in the amount of ~~\$250.00 unless modified~~ set from time to time by resolution of the Board of Supervisors.

Section 89. Section 6-35-3010 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-35-3010. APPEALS:

Any applicant, licensee, or interested persons may appeal any decision under this Chapter in compliance with Section 165 of this Ordinance Code upon payment of a fee in the amount of ~~\$100.00~~ set from time to time by resolution of the Board of Supervisors. The fee shall be paid to the Clerk of the Board of Supervisors.

Section 90. Section 6-35-3030 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-35-3030. LIMITATIONS ON THE KAWEAH RIVER:

The Board of Supervisors has reviewed and approved the Kaweah River Management Plan, and finds that protection of the public health, safety and welfare requires that the number of licenses and commercial river users on the Kaweah River be limited as provided therein. The ~~Planning~~ Resource Management Agency Director shall continue to accumulate and monitor information concerning the impacts of such licensed use on the Kaweah River, and shall advise the Board of Supervisors of any need to consider adjustments to these limitations. When issuing licenses, the license collector shall give first priority to qualified applicants who are renewing their licenses. After issuing such licenses, if there are more qualified applicants than available licenses, the issuance of the remaining licenses shall be determined by lot.

Section 91. Section 6-35-3040 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

§ 6-35-3040. REPORTS:

Every licensee shall file a monthly report with the ~~Planning~~ Resource Management Agency Director no later than the 20th day of each month describing any commercial river use conducted within the County during the previous calendar month. The report shall be used to verify compliance with the provisions of this Chapter, and to assist the Director with the development of a River Management Plan.

[Following are amendments to ch. 39, Waste Tire Haulers]

Section 92. Section 6-39-2020 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

SECTION 6-39-2020. LICENSE FEES:

All licenses shall be annual licenses for which the applicant shall pay an annual license fee of ~~One Hundred Dollars (\$100)~~, plus an additional fee of ~~One Hundred Dollars (\$100)~~ for each vehicle proposed to be used by the licensee to collect and/or transport waste tires, ~~which such additional fee shall not exceed Five Hundred Dollars (\$500)~~. The amount of the fees shall be set from time to time by resolution of the Board of Supervisors. The license collector shall issue a license in the name of the licensee. Each vehicle to be used by the licensee in the County shall be listed in a supplemental attachment to the license.

Section 93. The foregoing ordinance shall take effect on July 1, 2013, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 20__, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JEAN M. ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

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