

Draft of: April 5, 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, ADDING  
LICENSE REQUIREMENTS FOR COTTAGE FOOD OPERATORS,  
AMENDING THE ADULT 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:

**§ 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:

**§ 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 6-01-1030 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

**§ 6-01-1030. SCOPE OF PART:**

To the extent that the provisions of this Part do not conflict with other applicable provisions outside of this Part, but within this Ordinance Code, both shall be controlling. If any matter covered within this Part conflicts with any provision(s) outside this Part, but within this Ordinance Code, the provision(s) outside of this ~~Chapter Part~~ shall be controlling.

**Section 5.** Section 6-01-1040 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

**§ 6-01-1040. LICENSE COLLECTOR:**

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

**Section 6.** Section 6-01-1050 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

**§ 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, in the unincorporated area of the County 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~~ shall 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 shall 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 7.** Section 6-01-1055 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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) A rodeo or fair, other than a circus, carnival, or outdoor festival 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, 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” pursuant to Health and Safety Code section 1597.44.

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

**Section 8.** Section 6-01-1070 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-01-1070. PREREQUISITES FOR APPLICATION:**

Any person seeking to obtain a business license from the County of ~~Tulare~~ must shall 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 9.** 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 Ordinance 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 10.** 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 11.** Section 6-01-1100 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

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

**§ 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. [ ¶ added]

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 lapse fee shall be set from time to time by resolution of the Board of Supervisors.~~

**Section 13.** Section 6-01-1125 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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 shall file a statement under penalty of perjury attesting to the loss or destruction, and shall 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 14.** 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 15.** Section 6-01-1160 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-01-1160. OTHER LICENSES OR PERMITS:**

Obtaining a business license under this Part does not relieve an applicant or licensee from the duties, requirements or provisions of any other provision of law or this Ordinance Code. This includes, but is not limited to, applying for and receiving any other applicable license or permit required under this Ordinance Code.

**Section 16.** Section 6-01-2000 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 17.** 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 verify (as required by Bus. & Prof. Code, § 16100) that a person who wishes to conduct business as a contractor (as defined by Bus. & Prof. Code, § 7026) 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 18.** Section 6-01-2020 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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)~~ (g) 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.~~

**Section 19.** Section 6-01-2030 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-01-2030. REPORT OF INVESTIGATION:**

Each investigating officer shall file with the license collector a written report of the findings which the officer has made as a result of the investigation required pursuant to this Part and any other licensing provisions of this Ordinance Code. The report shall contain the conclusion of the investigating officer, based on his or her findings, as to whether the license shall be issued and the conditions, if any, with which the applicant shall comply before the issuance of the license or under which the license shall be issued.

**Section 20.** Section 6-01-3020 of Chapter 1 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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, unless required to obtain a license under another Chapter of this Part. 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 21.** 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 22.** 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 Ordinance 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 23.** 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 24.** 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 25.** 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 Ordinance 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.~~

~~(e) (b)~~ 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 26.** Section 6-01-5010 of Chapter 1 of Part VI of the Ordinance Code of

Tulare County is added to read as follows:

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

**ARTICLE 6. SEVERABILITY**

**§ 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 28.** Section 6-03-1000 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-03-1005 and amended to read as follows:

**§ 6-03-1000 6-03-1005. INTENT:**

It is the intent of this ~~chapter~~ 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~~ 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~~ Chapter to restrict or deny access by adults to adult-oriented materials or to their intended market.

Nothing in this ~~chapter~~ 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 29.** New Section 6-03-1000 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 6-03-1000. APPLICATION OF GENERAL PROVISIONS:**

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 30.** 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~~ 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 31.** Section 6-03-1020 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1020. LICENSE PREREQUISITES: APPLICATION PROCESS:**

(a) It shall be unlawful for any person or entity to operate, engage in, conduct or carry on any adult-oriented business within the County of ~~Tulare~~ unless the owner of said business first obtains, and continues to maintain in full force and effect, an adult-oriented business license. A valid license must be in the possession of the applicant in advance of the operation of an adult-oriented business.

(b) The owner of the proposed adult-oriented business shall be the only person eligible to obtain an adult-oriented business license, and must be at least twenty-one (21) years of age.

(c) The following information and items shall be submitted to the license collector by the owner at the time of applying for an adult-oriented business license:

(1) A completed adult-oriented business license application signed by the owner of the proposed adult-oriented business, and either the record owner of the premises or, if the business premises are subleased to the applicant business, the sub-lessor of the premises in a form provided by the license collector;

(2) A designation of the type of adult-oriented business proposed to be operated, and a site plan designating the building and/or unit proposed for the adult-oriented business and a dimensional interior floor plan depicting how the business will comply with all applicable requirements of this ~~chapter~~ Chapter;

(3) Proof of age of the owner of the proposed adult-oriented business;

(4) Any additional information the ~~Licensing Agency~~ license collector reasonably deems necessary, including but not limited to any of the information required by Section 6-01-2000 of Article 2 of Chapter 1 of this Part VI.

(5) A statement signed by the owner under penalty of perjury attesting to the truth and accuracy of the application and the information submitted with the application.

(d) Upon receipt of a complete application, including the payment of any license fee which may be established for an adult-oriented business by Resolution of the Board of Supervisors, the license collector shall refer copies of the application to those officers and departments deemed appropriate. Every officer and department to which an application is referred shall in writing advise the license collector of all material facts regarding the application, pursuant to this ~~chapter~~ Chapter.

(e) Notwithstanding the above, no application for an adult-oriented business license shall be accepted or processed for any owner or business that has applied for and been denied an adult-oriented business license within prior year or had an adult-oriented business license revoked pursuant to this Chapter within the preceding three-year period.

**Section 32.** Section 6-03-1030 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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~~ 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~~ Chapter.

**Section 33.** Section 6-03-1040 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1040. LICENSE REQUIREMENTS: GENERAL:**

Any adult-oriented business shall conform to the following requirements:

(a) The adult-oriented business shall not be operated in a manner that permits the observation of any specified anatomical parts or specified sexual activities from any public way or from any location outside the premises.

(b) Landscaping shall conform to the standards established for the zone, except that, if the adult-oriented business is the sole use on a lot, no planting shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.

(c) The entire exterior grounds, including the parking lot, shall be lighted from dusk until closing with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surface and walkways.

(d) The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate space within the same building.

(e) No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering.

(f) Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance or exit to the business.

(g) Signage shall conform to the standards established for the zone except that such signage shall be limited to the business name, the street address and any notice required by this section.

(h) All indoor areas of the adult-oriented business within which patrons are permitted, except rest rooms, shall be open to view by the management at all times.

(i) The interior of the premises shall be configured in a manner so that there is an unobstructed direct line of view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms.

(j) Except as specifically provided in this ~~chapter~~ Chapter, the adult-oriented business shall comply with parking, development and design standards established for the zone in which the business is located.

(k) No adult-oriented material or adult-oriented merchandise shall be displayed in such a manner as to be visible from any location other than within the premises occupied by the adult-oriented business.

(l) No person under the age of 21 years and no person obviously intoxicated shall be permitted within the premises at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the adult-oriented business.

(m) The adult-oriented business shall not be open between midnight and 10:00 a.m., except for those businesses regulated by the California Department of Alcoholic Beverage Control.

(n) The adult-oriented business shall provide and maintain separate rest room facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the rest room(s) for females, and female patrons and employees shall be prohibited from using the rest room(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from all adult-oriented materials and adult-oriented merchandise. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment.

(o) The premises shall be equipped with overhead lighting fixtures, and all common areas of the premises shall be illuminated during hours of operation at a minimum of the allowing footcandles, minimally maintained and evenly distributed at ground level:

(1) Adult-oriented cabarets and adult oriented-theaters: 5 footcandles, except during performances at which times lighting shall be at least 1.25 footcandles.

(2) All other adult-oriented businesses: 20 footcandles.

(p) Any individual viewing areas of the adult-oriented business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas, and only one person shall occupy any individual viewing area at any one time.

(q) The adult-oriented business license, and copies of valid permits for any performers, shall be prominently displayed on the premises at all times at a single location. The owner or operator of the adult-oriented business shall allow no person to perform as described in Section 6-03-1090 of this Chapter unless such person has the required performer permit and a copy of the permit is displayed as required herein. Copies of the business license and performer permits shall be provided upon request to any Sheriff or other law enforcement officer.

**Section 34.** Section 6-03-1041 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1041. LICENSE REQUIREMENTS: LIVE ENTERTAINMENT:**

The following additional requirements shall apply to adult-oriented cabarets, adult-oriented theaters, and any adult-oriented business providing live entertainment depicting specified anatomical areas or involving specified sexual activities, unless regulated by the Alcoholic Beverage Control:

(a) Any live performer in an adult-oriented cabaret or adult-oriented theater shall be required to fully cover specified anatomical areas with fully opaque material.

(b) At least 2 security guards shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open so that all areas of the grounds and parking areas are under surveillance by one or the other of the security guards. At least one security guard will be on duty inside of the premises. If the occupancy limit of the premises is greater than thirty-five (35) persons, an additional security guard will be on duty inside of the premises for each additionally allowed incremental occupancy capacity of thirty-five (35) persons or part thereof. The security guards shall be charged with preventing violations of the law, with enforcing compliance by patrons with the requirements of [word inserted] this Chapter and with notifying the Sheriff of any violations of law observed. Security guards required by this Subsection shall be uniformed in such a manner to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law and shall produce such license for inspection upon request by any Sheriff or other law enforcement officer. No security guard required pursuant to this Subsection shall act as a doorperson, ticket seller, ticket taker, or admittance person while acting or on duty as a security guard.

(c) No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons, and no patron shall be permitted within ten (10) feet of the stage while the stage is occupied by an entertainer.

(d) The adult-oriented business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

(e) The adult-oriented business shall provide an entrance or exit to the premises for entertainers which is separate from the entrance or exit used by patrons.

(f) The adult-oriented business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult-oriented business shall provide a minimum three-foot-wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of, and which actually results in, preventing any physical contact between patrons and entertainers.

(g) No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while on the premises.

(h) No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

(i) Fixed rails at least 30 inches in height shall be maintained, establishing the separations between entertainers and patrons.

**Section 35.** Section 6-03-1042 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1042. HARDSHIP WAIVER OF LICENSE REQUIREMENT:**

(a) If one or more of the license requirements set forth in Sections 6-03-1040 and 6-03-1041 is physically impossible at the applicant's premises, the applicant may apply in writing for a hardship waiver of the license requirement(s) to the ~~License Collector~~ license collector. [ ¶ added]

(b) The ~~License Collector~~ license collector shall hold a hearing within 10 days of receipt of the application for hardship waiver of the license requirement(s) and the hardship waiver will be granted if the ~~License Collector~~ license collector finds there is extreme hardship to the applicant due to certain physically unattainable license requirement(s) and waiver of those license requirement(s) will not have a negative effect on the health, safety or welfare of the County or the people of the County. The ~~License Collector~~ license collector may require that the applicant and the ~~License Collector~~ license collector agree in writing signed by both parties to a new condition to alleviate any negative effects on the health, safety or welfare of the County or the people of the County due to waiver of any license requirement(s). [ ¶ added]

(c) The ~~License Collector~~ license collector shall require payment of any fee, which may be established by ~~Resolution~~ resolution of the Board of Supervisors, prior to hearing an applicant's request for hardship waiver. [ ¶ added]

(d) If the ~~License Collector~~ license collector denies an application for a hardship waiver of license requirement(s) pursuant to this section, the applicant may request an appeal to the

Board of Supervisors within ten (10) days of the ~~License Collector's~~ license collector's decision pursuant to Section 165 of this Ordinance Code.

**Section 36.** Section 6-03-1060 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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.

**Section 37.** Section 6-03-1090 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1090. ADULT-ORIENTED BUSINESS PERFORMER PERMIT:**

(a) No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult-oriented business without a valid adult-oriented business performer permit issued by the license collector.

(b) The license collector shall grant, deny or renew adult-oriented business performer permits for any validly-licensed adult-oriented businesses located in ~~Tulare~~ the County.

(c) The application for a permit shall be made on a form provided by the license collector.

(d) The completed application shall contain the following information and be accompanied by the following documents:

(1) The applicant's legal name and any other names ("stage names" and aliases) used by the applicant in the last 10 years;

(2) Age, date and place of birth;

(3) Height, weight, hair and eye color;

(4) Present residence address and telephone number;

(5) Whether the applicant has ever been convicted of:

(A) Any of the offenses set forth in ~~Sections~~ sections 243.4, 261, 261.5, 264.1, 266a through 266k inclusive, 267, 286, 286.5, 288, 288a, 288.2, 311 through 311.11 inclusive, 314, 315, 316, 317, 318, and subdivisions (a), (b) and (c) of section 647 of the ~~California~~ Penal Code as those sections now exist or may hereafter be amended or renumbered.

(B) The equivalent of the above sections in another state or country;

(6) Whether the applicant is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution; and, if so, the place of such registration, licensing or legal authorization, and the inclusive dates during which the applicant was so registered, licensed or authorized;

(7) Driver's license number or identification number;

(8) Proof that the applicant is twenty-one (21) years of age or older;

(9) The applicant's fingerprints on a form provided by the ~~Tulare County~~ Sheriff's Department, and a color photograph clearly showing the applicant's face. Any costs for the fingerprints and photograph shall be borne by the applicant.

(e) The completed application shall be accompanied by a non-refundable application fee, the amount of which has been set by Resolution of the Board of Supervisors.

(f) Upon receipt of a completed application and the required fees, the license collector shall immediately stamp the application as received and shall promptly investigate the application.

(g) Within thirty (30) days after receipt of the application, the license collector shall grant or deny the application. If the application is denied, the license collector shall provide a written statement of the reasons for the denial and shall notify the applicant by mail to the address indicated in the application. If the application is granted, the license collector shall mail the adult-oriented business performer permit to the address indicated in the application. If the application is neither granted nor denied within thirty (30) days after it is received, the applicant may begin performing in the capacity for which the license was sought on the thirtieth (30th) day after the date the application was received as if the application had been granted, and until revoked in accordance with this ~~chapter~~ Chapter.

(h) The license collector shall deny the permit for any of the following reasons:

(1) The applicant knowingly made any false, misleading or fraudulent statement of a material fact in the application, or in any report or document required to be filed with the application;

(2) The applicant is under twenty-one (21) years of age;

(3) The permit is used in a business prohibited by state or county law;

(4) The applicant has been registered or has been otherwise authorized to be a prostitute in any jurisdiction;

(5) The applicant has been convicted of any of the offenses enumerated in this section, or convicted of an offense in another state or country that would have constituted any of the described offenses if committed within this state. A permit may be issued to any applicant

convicted of the described crimes if the conviction occurred more than five (5) years prior to the date of the application.

(i) Each permit shall be non-transferable, ~~and~~ shall expire one year from the date of issuance, [comma added] and may be renewed only by filing an application for renewal with the ~~Licensing Agency~~ license collector at least sixty (60) days prior to the expiration date. The application for renewal shall be processed in the same manner as provided in this ~~chapter~~ Chapter for applications for permits.

**Section 38.** Section 6-03-1110 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1110. LICENSE OR PERMIT REVOCATION:**

(a) An adult-oriented business licensee shall allow any appropriate officer of the ~~county~~ County to conduct unscheduled inspections of the premises of the adult-oriented business for the purpose of ensuring compliance with the law at any time the adult-oriented business is open for business or is occupied.

(b) The license collector may revoke an adult-oriented business license on the grounds stated in Chapter 1, or when:

(1) Any of the applicable requirements for a license set forth in this Part for a license ceases to be satisfied; or

(2) The application for license is discovered to contain materially incorrect, false or misleading information; or

(3) The licensee, owner(s), or managing employee of the licensee participates or has participated in conduct such as prostitution, or solicitation for prostitution, or conduct that would be a violation of any crime requiring registration under ~~California~~ Penal Code section 290, or any violation of Penal Code sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k inclusive, 267, 286, 286.5, 288, 288a, 288.2, 311 through 311.11 inclusive, 314, 315, 316, or 647, or knowingly allows or permits and fails to make a reasonable effort to prevent the occurrence of such conduct on the premises of an adult-oriented business; or

(4) The licensee or managing employee has knowingly allowed an adult-oriented business performer to perform on the premises of the adult-oriented business without possessing a valid adult-oriented business performer permit; or

(5) The adult-oriented business has been operated in violation of any of the requirements of this ~~chapter~~ Chapter and:

(A) If the violation is of a continuous nature, the business continues to be operated in violation of such provision for more than 10 days following the date written notice of such violation is mailed or delivered to the owner; or

(B) If the violation is of a non-continuous nature, two or more violations of the same provision, or three or more violations of any of the provisions, of this ~~chapter~~ Chapter occur (regardless of whether notice of each individual violation is given to the owner) within any 12-month period.

(c) The license collector may revoke an adult-oriented business performer permit when:

(1) Any of the applicable requirements set forth in this Chapter for a permit ceases to be satisfied; or

(2) The application for a permit is discovered to contain materially incorrect, false or misleading information; or

(3) The permittee engages in any act of sexual intercourse, sodomy, oral copulation, or masturbation on the premises of an adult-oriented business; or is convicted of, or pleads guilty to, prostitution or any crime requiring registration under ~~California~~ Penal Code ~~Section~~ section 290, or any violation of Penal Code sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k inclusive, 267, 286, 286.5, 288, 288a, 288.2, 311 through 311.11 inclusive, 314, 315, 316, or 647.

**Section 39.** Section 6-03-1130 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1130. EXISTING ADULT-ORIENTED BUSINESSES:**

(a) Any adult-oriented business lawfully operating on the effective date of this ~~chapter~~ Chapter shall become a nonconforming use by reason of the adoption of this ~~chapter~~ Chapter and shall cease operation, or otherwise be brought into full compliance with the provisions of this ~~chapter~~ Chapter, not later than ninety (90) days following the service of the notice provided in subdivision (b) of this section unless it has applied for a one-time extension as provided herein.

(b) Any adult-oriented business which becomes a nonconforming use by reason of the adoption of this ~~chapter~~ Chapter shall be notified in writing of its nonconforming status by the license collector by certified mail or personal service. Such notice shall be given to the property owner of record upon which such business is located, the owner of the business, and the holder of the business license for such business (to the extent such parties are different and are identifiable and accessible). Such notice shall also identify the amortization period as provided in subdivision (b) of this section. Failure of any person to actually receive such notice shall not affect the validity of any proceedings pursuant to this section.

(c) No adult-oriented business which was rendered nonconforming by the adoption of this ~~chapter~~ Chapter shall continue to be operated without complying with all of the provisions of this ~~chapter~~ Chapter otherwise applicable to such adult-oriented business following expiration of the amortization period set forth in subdivision (a) of this section, unless licensed to do so under this Chapter. Notwithstanding the foregoing, prior to the expiration of the amortization period an adult-oriented business may apply in writing to the Clerk of the Board of Supervisors for one

extension of the amortization period. The Board of Supervisors shall consider the request no later than 14 days after receipt of the application, and may agree to a reasonable extension of the amortization period if it finds that such extension is necessary to avoid a substantial financial hardship to the applicant.

**Section 40.** Section 6-03-1140 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1140. PUBLIC NUISANCE:**

Any adult-oriented business operated without a license as required by this Chapter, or determined to be in violation of the conditions of such license after appeal as provided in this ~~chapter~~ Chapter, is hereby declared to be a public nuisance, and is subject to abatement as provided in Article 11 of Chapter 1 of Part IV of this Ordinance Code.

**Section 41.** Section 6-03-1150 of Chapter 3 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-03-1150. VIOLATION:**

In addition to any other penalties and remedies provided by law, including the provisions of this Chapter, owning or operating an adult-oriented business without a valid license, operating an adult-oriented business in violation of any of the license approval standards set out in Section 6-03-1030 or the license requirements set out in Section 6-03-1040 and Section 6-03-1041, performing in an adult-oriented business without a valid adult-oriented business performers permit, or, as a performer, engaging in any act of sexual intercourse, sodomy, oral copulation, or masturbation on the premises of an adult-oriented business shall be a misdemeanor punishable as provided in ~~Tulare County Ordinance Code~~ section 125 of this Ordinance Code ~~and enforceable by the Tulare County Sheriff.~~

*[Following are amendments to Ch. 5, Agriculture, Art. 1, Apiaries]*

**Section 42.** Section 6-05-2020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-2020. IDENTIFICATION OF APIARIES:**

Every person owning or in possession of an apiary located on premises other than that of his or her residence shall identify such apiary by affixing a sign thereto showing the name of the owner or the person in possession of the apiary, his or her address and ~~his~~ telephone number or,

if he or she has no telephone, a statement of that fact. Such person shall affix such a sign on the longer side of the hive or the longer side of the super, prominently located on the entrance side of the apiary, and shall maintain such sign thereon at all times. Such signs shall be in black letters at least one (1) inch in height on white or other contrasting color. The lettering shall be printed, stenciled, or the equivalent thereof, in black paint or black ink.

**Section 43.** Section 6-05-2030 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-2030. LOCATION OF APIARIES WITH LANDOWNER’S CONSENT:**

No person shall place or maintain an apiary upon the land of another unless he or she first secures written permission from the owner or person entitled to possession of the land to place the apiary thereon.

**Section 44.** Section 6-05-2070 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-2070. SIGNS ON VEHICLES:**

No person shall use any vehicle for the transportation of bees or beehives or for the purpose of servicing an apiary unless such vehicle is identified by a sign which is prominently displayed on the outside of the vehicle that states in letters not less than one (1) inch in height on a background of contrasting color the name, address and telephone number of the person using the vehicle for such purposes. The provisions of this section shall not apply to a person who operates a vehicle used for such purposes who is merely traveling through ~~Tulare~~ the County from a point outside ~~said~~ the County to a destination outside ~~said~~ the County.

*[Following are amendments to Ch. 5, Agriculture, Art. 5, Apple Maggot Quarantine and Prevention Program]*

**Section 45.** Section 6-05-3000 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3000. PURPOSE:**

Apple Maggot, *Rhagoletis pomonella*, is a serious apple pest not known to occur in ~~Tulare~~ the County. Such pest may be spread by importation and exportation of apples and apple trees. The State of California has authorized counties with apple industries to impose, in accordance with state ~~regulation~~ regulations, local quarantines and prevention programs to

protect such apple industries. The County of ~~Tulare~~ is a home to the apple industry and desires to protect such industry. It is the purpose of this Article to protect the County's apple industry by taking the necessary steps of restricting movement of apple maggot hosts and possible carriers into the County and to institute a program to detect and treat any commercial orchards in which the pest is detected in this County.

**Section 46.** Section 6-05-3020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3020. IMPORTS QUARANTINE: GUIDELINES FOR ENTRY:**

Hosts and possible carriers are prohibited entry into the boundaries of ~~Tulare~~ the County except as follows:

(a) Commercially packed apples produced using conventional pest control practices and certified by origin agricultural officials as pest free may enter. The term "conventional pest control practices" means treatment with synthetic pesticides at labeled dosages and on a schedule effective against apple maggot.

(b) Commercially packed organic apples produced in an orchard certified by origin agricultural officials as trapped and found negative for apple maggot may enter. The term "organic" means apples produced by growers in compliance with and registered under the California Organic Products Act of 2003 (Food & Ag. Code, § 46000 et seq. and Health & Saf. Code, 110810 et seq.).

(c) Commercially produced apples may enter the County in bulk for packing, juicing and processing under a Compliance Agreement between the importer and the ~~County~~ Agricultural Commissioner as provided in section 6-05-3030.

(d) Apple trees which are free of fruit and are bare root or free of fruit and certified by origin agricultural officials as having been treated with a soil drench effective against apple maggot may enter the County subject to inspection by the ~~County~~ Agricultural Commissioner.

**Section 47.** Section 6-05-3030 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3030. SAME: BULK APPLE IMPORTATION COMPLIANCE AGREEMENTS:**

The ~~County~~ Agricultural Commissioner may enter into individual or group Compliance Agreements with bulk apple importers. Such importer Compliance Agreements shall specify the conditions under which fruit may enter the County and the manner in which fruit and fruit waste shall be handled by the importer and processor. The Compliance Agreement shall provide that the County will be fully reimbursed for the services of the ~~County~~ Agricultural Commissioner in

monitoring agreement compliance and inspecting incoming shipments. The fees charged for such services shall be those set for non-mandated services requested by the public from the ~~County~~ Agricultural Commissioner by the Board of Supervisors from time to time by resolution.

**Section 48.** Section 6-05-3040 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3040. EXPORT QUARANTINE: EXCEPTIONS:**

Fruit from an orchard in which apple maggot has been detected shall not be moved from said orchard except as follows:

- (a) The orchard is treated pursuant to a Treatment Agreement under 6-05-3070;
- (b) The pest is abated pursuant to section 6-05-3080; or
- (c) The fruit is moved for processing under written authorization of the ~~County~~ Agricultural Commissioner.

**Section 49.** Section 6-05-3050 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3050. DETECTION AND TREATMENT IN ORCHARDS:  
VOLUNTARY:**

Any orchard owner, producer, or packer who or which wishes to export apples from ~~Tulare~~ the County and desires certification that such apples were produced in an orchard certified by the ~~County~~ Agricultural Commissioner as trapped for apple maggot and found negative may enter into a Detection and/or Treatment Agreement with the ~~County~~ Agricultural Commissioner.

**Section 50.** Section 6-05-3060 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3060. SAME: DETECTION AGREEMENT:**

The detection agreement shall provide that traps will be placed and monitored by the ~~County~~ Agricultural Commissioner in the orchard and that the orchard owner, producer, or packer shall reimburse the County for the cost of the required traps, the cost of placing, maintaining, and monitoring such traps, and the cost of issuing the certification based upon the results from such trapping program. The fees charged for the ~~County~~ Agricultural Commissioner's services in placing, maintaining, and monitoring such traps, and in issuing the certification based upon the results from such trapping program, shall be those set for non-

mandated services requested by the public from the ~~County~~ Agricultural Commissioner, as set from time to time by resolution of the Board of Supervisors ~~from time to time by resolution.~~

**Section 51.** Section 6-05-3070 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-3070. SAME: TREATMENT AGREEMENT:**

If, under a Detection Agreement or otherwise, apple maggot is detected in a commercial orchard, the orchard owner may enter into a Treatment Agreement with the ~~County~~ Agricultural Commissioner under which the orchard shall be treated at the cost of the orchard owner using conventional pest control practices in a manner approved by and under the supervision of the ~~County~~ Agricultural Commissioner. The fees charged for the ~~County~~ Agricultural Commissioner's review of the proposed pest control practice and for supervising services shall be those ~~set~~ for non-mandated services requested by the public from the ~~County~~ Agricultural Commissioner, as set from time to time by resolution of the Board of Supervisors ~~from time to time by resolution.~~

*[Following are amendments to Ch. 5, Agriculture, Art. 4, Harvesting Containers for Citrus Fruit]*

**Section 52.** Section 6-05-4000 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-4000. DEFINITION:**

The term "citrus harvesting containers," as used in this Article, refers to the boxes, bins or any other types of containers used to transport harvested citrus fruit from a citrus grove to a citrus packing house in the County ~~of Tulare.~~

**Section 53.** Section 6-05-4020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-4020. STORAGE OR PROCESSING:**

It shall be unlawful for a citrus packinghouse to release, or cause or allow the release of, any citrus harvesting container until the container has been emptied of debris and one of the following procedures has been complied with:

(a) The empty container has been held in storage for a period of at least twenty-four (24) hours.

(b) The container has been processed through a sterilizer approved by the ~~County~~ Agricultural Commissioner.

(c) Any alternative method for processing such containers, which the ~~County~~ Agricultural Commissioner approves.

*[Following are amendments to Ch. 5, Agriculture, Art. 5, Purchase of Citrus Fruit]*

**Section 54.** Section 6-05-5010 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-5010. PURCHASE FOR RETAIL SALE: RECORDS:**

Every person who, for the purpose of retail sale within the County of ~~Tulare~~, purchases unprocessed citrus fruit shall keep a record of the name and address of the person from whom each lot of such fruit was purchased. When such citrus fruit is delivered to the purchaser by motor vehicle, the purchaser shall also record the license number of the vehicle and the driver's license number of the person making delivery of each lot of such citrus fruit.

**Section 55.** Section 6-05-5020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-5020. SAME: DISPOSITION OF RECORDS:**

One (1) copy of each record required to be made by this Article shall be mailed to, or filed with, the ~~Tulare County~~ Sheriff within ten (10) days after the date of purchase or delivery, whichever is later, of unprocessed citrus fruit. One (1) copy of each record required to be made by this Article shall be retained by the purchaser and shall not be destroyed until at least one (1) year after the date of purchase or delivery, whichever is later, of unprocessed citrus fruit, and shall be made available for inspection upon request by any peace officer. The records required by this Article shall be maintained upon a form provided by the ~~Tulare County~~ Sheriff.

*[Following are amendments to Ch. 5, Agriculture, Art. 6, Citrus Stock Propagation and Inspection for Pests and Diseases]*

**Section 56.** Section 6-05-6010 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-6010. HOSTS AND POSSIBLE CARRIERS:**

The following are declared to be hosts and possible carriers of citrus disease and citrus pests:

(a) All plants of the genera Citrus, and propagative parts thereof (except seed), including any subspecies, variety, or ornamental form.

(b) All plants of any subspecies, variety, or ornamental form, of the genera Citrus (true citrus), Fortunella (kumquat), Poncirus (trifoliolate orange), Aeglopsis (dwarf powder-flask fruit), and Afraegle (African powder-flask fruit) and propagative parts thereof (except seed).

(c) Any hybrid plant having at least one ancestor of Citrus, Fortunella, or Poncirus, and propagative parts thereof (except seed).

(d) Any other plant or propagative parts thereof (except seed) found to be a host/carrier of citrus disease and citrus pests on the most current list of such plants on file in the offices of the ~~County~~ Agricultural Commissioner.

**Section 57.** Section 6-05-6020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-6020. CITRUS PESTS AND DISEASES:**

The following are declared to be citrus pests or diseases:

(a) Citrus red, yellow, and purple scale.

(b) Citrus bud mite.

(c) Citrus tristeza virus.

(d) Any other citrus pests and diseases on the most current list of such pests and diseases on file in the offices of the ~~County~~ Agricultural Commissioner.

**Section 58.** Section 6-05-6030 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-6030. SHIPMENT WITHIN ~~TULARE~~ COUNTY:**

It shall be unlawful to ship, transport or otherwise move the above-described hosts and carriers of citrus pests and diseases within ~~Tulare~~ the County except as follows:

At point of destination the plants or propagative parts thereof (except seed) shall be held for inspection (before planting or other use of propagative material) by the ~~Tulare County~~ Agricultural Commissioner.

**Section 59.** Section 6-05-6040 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-6040. REGISTRATION OF CITRUS BUDDERS:**

Citrus budders working within ~~Tulare~~ the County shall register with the ~~Tulare County~~ Agricultural Commissioner on an annual basis and acknowledge in writing that they have received a copy of this Article, all other State and County law or ordinances regulating citrus propagation, and the Agricultural Commissioner's current list of known citrus hosts, carriers, pests and diseases. No fee shall be required for annual registration. For the purpose of this Article, a citrus budder is defined as a person who propagates citrus stock whether for his or her own use or for the use of others.

**Section 60.** Section 6-05-6050 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-6050. VIOLATIONS:**

Any person who violates any provision of this Article is guilty of a misdemeanor and shall be ~~subject to the punishment set forth~~ punishable as provided in Section 125 of this Ordinance Code.

*[Following are amendments to Ch. 5, Agriculture, Art. 7, Estrays]*

**Section 61.** Section 6-05-7000 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-7000. ESTRAYS: GRAZING LANDS:**

In accordance with sections 17122 and 17124 of the ~~California~~ Food and Agricultural Code, requiring certain premises to be enclosed with good and substantial fences to prevent the ingress of livestock, the following portion of Tulare County is hereby declared to be devoted chiefly to grazing:

Commencing at the Southwest corner of Section 33, Township 24 South, Range 31 East, M.D.B.& M.; thence East along the Kern County boundary line to the East boundary line of Tulare County; thence North along the Inyo County boundary line to its intersection with the boundary line between the Inyo National Forest and the Sequoia National Park in Section 1, Township 17 South, Range 34 East, M.D.B.& M.; thence Southwesterly along the Southerly boundary line of Sequoia National Park to the Northeast corner of Section 36, Township 18 South, Range 29 East, M.D.B.& M.; thence West two miles, thence South one mile, thence West two miles to the Northwest corner of Section 4, Township 19 South, Range 29 East, M.D.B.& M.; thence Southerly and Easterly along the West boundary line of Sequoia National Forest to the point of beginning.

*[Following are amendments to Ch. 5, Agriculture, Art. 8, Records of Ownership of Nut Crops]*

**Section 62.** Section 6-05-8000 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8000. PURPOSE AND INTENT:**

The ordinance codified in this Article is adopted under the authority of ~~California~~ Food and Agriculture Code section 866. It is the purpose and intent of this Article to protect the agricultural industry of this County, establish a means of verifying ownership of specified agricultural commodities in order to prevent and deter theft of these commodities, and to provide a means for local enforcement of laws and regulations pertaining to the purchase and sale of these commodities.

**Section 63.** Section 6-05-8010 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8010. DEFINITIONS:**

Except where the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) “Agricultural ~~commissioner~~ Commissioner” means the Agricultural Commissioner of Tulare County ~~and or his or her~~ designated representatives.

(b) “Agricultural commodities” or “commodity” means any nut crop of any quantity in a raw and unprocessed form.

(c) “Buyer” means an individual or entity engaged in the purchase of one or more agriculture ~~commodity~~ commodities, and who is licensed to engage in such business by the State.

(d) “Gleaning” means the process through which nuts remaining on the ground following the grower’s completion of the harvest are gathered with the permission of a grower and with the approved Proof of Ownership ~~certification~~ Certificate.

(e) “Grower” means the person who has personally, or through the employment of others, grown and harvested an agricultural commodity.

(f) “Person” means any individual, firm, partnership, joint venture, corporation or other entity possessing, buying, transporting or selling an agricultural commodity as a principal or as an agent of another.

(g) “Non-processing walnut-buying operation” means buyers who ~~don’t~~ do not have on-site processing.

(h) “Proof of ownership” means:

(1) If the possessor of the agricultural product is the grower of the commodity, proof that the commodity was grown by that grower. Proof of ownership in this context shall mean documents or information sufficient to verify that the possessor is the grower of the commodity.

(2) If the possessor of the agricultural commodity is other than the grower of the possessed agricultural commodity, a completed Proof of Ownership Certificate in a form approved by the ~~Tulare County Department of Agriculture~~ Agricultural Commissioner. Any form utilized for this purpose shall be signed by the possessor of the agricultural commodity and signed by the person who sold the agricultural commodity to the person in possession.

(i) “Seller” means a person who sells or attempts to sell an agricultural commodity to a buyer or other person.

(j) "Walnut Buying Period" means the declared conclusion of harvest of the Chandler variety of walnuts by the Agricultural Commissioner, after consultation with a committee of walnut growers, whereby non-processing walnut-buying operations may commence within the boundaries of ~~Tulare~~ the County. Such period shall be proclaimed seventy-two (72) hours in advance by press release.

**Section 64.** Section 6-05-8020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8020. PROOF OF OWNERSHIP CERTIFICATE:**

The Proof of Ownership Certificate ~~form~~, shall contain, as applicable, the following information:

(a) ~~Name~~ The name, address, telephone number, and signature of the seller.

(b) ~~Name~~ The name, address, telephone number, and signature of the buyer.

(c) The vehicle license plate number of the seller.

(d) The driver's license number of the seller.

(e) The weight of the agricultural commodity purchased.

(f) The date and time of the transaction.

(g) The variety and condition of the agricultural commodity.

(h) Specific identification of the source of the commodity being sold. This shall mean, if the seller is the grower of the commodity, the address at which the product was grown. This shall mean, if the seller is not the grower of the commodity, the name, [comma added] ~~and~~ address and ~~phone~~ telephone number of the person from whom that seller obtained the commodity, and, if known, the address where the commodity was grown.

It is the responsibility of a buyer to obtain the requisite information to permit completion of the Proof of Ownership Certificate ~~forms~~. The Proof of Ownership Certificate ~~forms~~ shall not be valid unless signed by both the person in possession of the commodity and by the person from whom the possessor obtained the commodity.

**Section 65.** Section 6-05-8030 of Chapter 5 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

**§ 6-05-8030. PROOF OF OWNERSHIP CERTIFICATE: INSPECTION, PRESENTATION, AND RETENTION:**

The Proof of Ownership ~~Certificate forms~~ Certificates shall be issued directly to growers by the Agricultural Commissioner and retained with the agricultural commodity to which they pertain while the commodity is in any person's possession, while being transported and until sold.

Upon probable cause to believe that any agricultural commodity is in the unlawful possession of any person, ~~any~~ the Agricultural Commissioner or any peace officer may inspect the commodity and request that proof of ownership be provided. The possessor of the commodity shall permit inspection of the commodity and of corresponding Proof of Ownership Certificates, or alternative proof. If the possessor is a grower, the grower shall provide information sufficient to verify that status. Upon reasonable notice, copies of Proof of Ownership Certificate ~~forms~~ or other proof shall be provided. To facilitate inspection by the ~~Tulare County~~ Agricultural Commissioner, the ~~Buyer~~ buyer shall register with the Agricultural Commissioner on an annual basis and shall comply with Business and Professions Code section 12501.1. The ~~Buyer~~ buyer shall purchase and keep the commodity at a place of business in compliance with the ~~Tulare County~~ Building and Planning/Zoning Ordinances, until transported for resale or other handling. At the time of registration, the ~~Buyer~~ buyer shall designate a processor; [comma deleted] to which sales will be made.

Following any sale of the agricultural commodity by the ~~Buyer~~ buyer, the Proof of Ownership Certificate ~~forms~~ or alternative written proof shall be retained by the ~~Buyer~~ buyer for a period of two (2) years from the date of such sale. Buyers shall also retain any records pertaining to the resale of agricultural products to which the Proof of Ownership ~~Certificate forms~~ Certificates pertain for a period of two years.

Non-processing walnut-buying operations shall not operate within the boundaries of ~~Tulare~~ the County until the Walnut Buying Period, as established by the Agricultural Commissioner, has expired.

**Section 66.** Section 6-05-8050 of Chapter 5 of Part VI of the Ordinance Code of

Tulare County is amended to read as follows:

**§ 6-05-8050. VEHICLE STOPS:**

Any peace officer may, upon having probable cause to believe that a person is in illegal possession of an agricultural commodity, stop and search and inspect the agricultural commodity and request proof of ownership. If ~~an~~ the Agricultural Commissioner has probable cause to

believe that any agricultural commodity is unlawfully possessed, he or she may request a peace officer to stop a vehicle for inspection.

**Section 67.** Section 6-05-8060 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8060. RETENTION OF SEIZED COMMODITY:**

Upon reasonable belief that a person is in unlawful possession of an agricultural commodity, the commodity or any portion of it which is reasonably determined to be unlawfully possessed may be seized and held by the Agricultural Commissioner or any peace officer. The commodity so seized shall be held at such place and in such manner as is reasonable under the circumstances, and until disposed of as provided in this Article. The Agricultural Commissioner or peace officer shall record the date and place of seizure and information pertaining to the person from whom the commodity was seized, and, to the extent practical, the quantity, type, condition and other information pertaining to the commodity.

**Section 68.** Section 6-05-8070 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8070. INVESTIGATION TO ASCERTAIN OWNERSHIP:**

The Agricultural Commissioner or any peace officer may investigate to ascertain the ownership of any commodity that has been held pursuant to this Article. If the lawful owner is located, the commodity shall be released to the owner or agent. The ~~commissioner~~ Agricultural Commissioner may require reasonable payment, not to exceed the value of the commodity, to cover costs incurred for storage of the commodity.

**Section 69.** Section 6-05-8080 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8080. DISPOSITION OF AGRICULTURAL COMMODITIES:**

(a) If for any reason the commodity cannot be released to the rightful owner within 48 hours after coming into the custody of the Agricultural Commissioner, or for any shorter period of time that the Commissioner deems necessary in the case of perishable commodities, the Commissioner may sell the commodity by public auction or by private sale at fair market value to a commercial packer of the commodity. Prior to any such sale the Agricultural Commissioner shall determine that the sale of the commodity will not impair the prosecution of any person who is or may be charged with a crime related to the commodity.

(b) All of the proceeds derived from the sale of the commodity shall be held by the Agriculture Commissioner for a period of not less than six months, during which time the lawful owner of the commodity may submit satisfactory proof of ownership and obtain possession of the proceeds. The Agricultural Commissioner may require the payment by the owner of an amount sufficient to cover the costs incurred for the storage and sale of the commodity, in an amount not to exceed the value of the commodity. If, after retention of the proceeds for a period of at least six months, no demand is made or if proof of ownership is not supplied, the Agricultural Commissioner shall deposit the proceeds of the sale of the commodity in the general fund of the County.

(c) If any seized commodity remains unsold after being offered for sale pursuant to this section, the Agriculture Commissioner may donate the commodity to a nonprofit organization.

(d) If the commodity is unfit for human consumption, the ~~commissioner~~ Agricultural Commissioner may destroy it.

**Section 70.** Section 6-05-8090 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-8090. EXEMPTIONS:**

This Article shall not apply to the following:

(a) Commodities transported directly by a grower or agent from the farm or ranch where they are grown to a commercial packing plant within this state for processing or packing.

(b) Commodities in possession of any person as a result of gleaning undertaken with the permission of the grower.

(c) Commodities transported and accompanied by a valid permit, disposal order, or certificate issued by the ~~director~~ Secretary of Food and Agriculture or the ~~commissioner~~ Agricultural Commissioner for any reason other than to comply with this ~~chapter~~ Chapter.

(d) Commodities in possession of an agent of a nut processing plant registered with the ~~Tulare County~~ Agricultural Commissioner in accordance with section 6-05-8030.

Notwithstanding the exemptions provided in this section, the Agricultural Commissioner ~~and~~ or any peace officer may inspect any agricultural commodity as provided in this Article and may require that information be provided sufficient to permit verification that the exemption applies in the circumstances presented.

*[Following are amendments to Ch. 5, Agriculture, Art. 9, Weighing and Measuring Instruments]*

**Section 71.** Section 6-05-9000 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9000. PURPOSE:**

The purpose of this Article is to require the registration of certain weighing and measuring devices used for commercial purposes within the County of ~~Tulare~~, and to establish a system of fees to recover the costs of inspecting and testing weighing and measuring devices pursuant to the provisions of Article 2.1 (commencing with section 12240) of Chapter 2 of Division 5 of the ~~California~~ Business and Professions Code.

**Section 72.** Section 6-05-9010 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9010. DEFINITIONS:**

Except where the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) “Commercial purposes” shall be defined as ~~the meaning assigned to it by Section provided in section~~ 12500 of the ~~California~~ Business and Professions Code.

(b) “Location” means the room, enclosure, building, space, area or vehicle where one or more weighing instruments or measuring devices are located or operated.

(c) “Device” shall be defined as ~~the meaning assigned to it by Section provided in section~~ 12531 of the ~~California~~ Business and Professions Code.

(d) “Weighing instrument” or “~~Measuring measuring~~ instrument” shall be as defined as provided in the California section 12500 of the Business and Professions Code ~~Section 12500 (a) and (b).~~

(e) “Person” shall be defined as ~~the meaning assigned to it by Section provided in section~~ 145 of ~~the this~~ Ordinance Code of Tulare County and Section section 12011 of the ~~California~~ Business and Professions Code.

(f) “Sealer” means the Sealer of Weights and Measures appointed by the ~~Tulare County~~ Board of Supervisors and his or her duly authorized agents.

**Section 73.** Section 6-05-9020 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9020. REGISTRATION OF DEVICES:**

All weighing and measuring devices used for commercial purposes within the County of ~~Tulare~~ shall be registered with the ~~Tulare County~~ Agricultural Commissioner/Sealer. Every owner of such a weighing or measuring device used or located within the County of ~~Tulare~~ or dispatched or operated from any location within the County of ~~Tulare~~ shall register the location of or place of dispatch of such device with the ~~Tulare County~~ Agricultural Commissioner/Sealer. Every owner of such a measuring or weighing device acquired for use or relocated within the County of ~~Tulare~~ shall, within sixty (60) days of its acquisition or relocation, register the location or place of dispatch of such instrument with the ~~Tulare County~~ Agricultural Commissioner/Sealer.

**Section 74.** Section 6-05-9040 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9040. REGISTRATION OF DEVICES: EXCEPTION FOR DEVICES REGISTERED IN ANOTHER COUNTY:**

A weighing or measuring device is not required to be registered in ~~Tulare~~ the County under the provisions of this Article if the device has a current registration certificate and inspection seal issued by a licensed county sealer.

**Section 75.** Section 6-05-9050 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9050. UNREGISTERED DEVICES UNLAWFUL:**

No person shall use, operate or own any weighing or measuring device required to be registered pursuant to section 6-05-9020 within the County of ~~Tulare~~ for commercial purposes without having a current, valid registration certificate and inspection seal issued by a licensed county sealer for such device. The certificate and inspection seal shall be in addition to any other certificate, license or permit which may be required by the County or any other public entity.

**Section 76.** Section 6-05-9060 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9060. REGISTRATION CERTIFICATE FORM:**

The registration certificate shall contain the name of the owner of the device and the address at which the instrument or devices are located, or, if the device is not at a fixed location, the owner's address, and shall be in a form approved by the ~~Tulare County~~ Agricultural Commissioner/Sealer. One registration certificate may be issued for more than one device maintained at the same address, upon the approval of the ~~Tulare County~~ Agricultural Commissioner/Sealer.

**Section 77.** Section 6-05-9100 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9100. CERTIFICATE ISSUED IN TRUE NAME:**

A registration certificate may be issued to a natural person according to his true name, to a corporation duly authorized to transact business in this state, or to a person operating under a fictitious name who has complied with all of the provisions of Chapter 5 (commencing with section 17900) of Part 3 of Division 7 of the ~~California~~ Business and Professions Code. Except as provided above, no certificate shall be issued to any false or fictitious name.

**Section 78.** Section 6-05-9120 of Chapter 5 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-05-9120. LOST, DAMAGED, OR DEFACED CERTIFICATE: FEE:**

If a current registration certificate has been lost, damaged, or defaced, the person to whom it was issued may obtain a replacement upon payment of a replacement fee ~~of Five Dollars (\$5.00)~~. The fee shall be as established from time to time by resolution of the Board of Supervisors.

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

**Section 79.** Section 6-07-1000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-07-1005 and amended to read as follows.

**§ ~~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 80.** New Section 6-07-1000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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 81.** Section 6-07-1020 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-1020. DEFINITIONS:**

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

(a) “Advanced Life Support” means those special services defined by Health and Safety Code section 1797.52 and referred to in the Emergency Medical Services System and the Prehospital Medical Care Personnel Act, Health and Safety Code section 1797; [comma deleted] et seq., or ~~regulation~~ regulations promulgated thereunder.

(b) “Ambulance” means any vehicle that is specifically constructed, modified, equipped, and designed for the provision of emergency medical transportation services to sick, injured, or otherwise incapacitated persons, including air ambulances.

(c) “Ambulance company” means any person, entity, corporation, partnership, association, trust, or estate who owns, leases or operates one or more ambulances for the purpose of providing ambulance services within the County.

(d) “Ambulance services” means any ambulance services as defined by this section provided through an ambulance response to an emergency call.

(e) “Air Ambulance” means any authorized and approved fixed wing or helicopter aircraft that is equipped and operated for transportation of sick, injured, or otherwise incapacitated persons and emergency medical supplies.

(f) “Attendant” means any person accompanying an ambulance to provide prehospital medical care for a sick, injured or otherwise incapacitated person.

(g) “Basic Life Support” means those services defined by Health and Safety Code section 1797.60 and referred to in the Emergency Medical Services System and the Prehospital Medical Care Personnel Act, Health and Safety Code section 1797; [comma deleted] et seq., or ~~regulation~~ regulations promulgated thereunder.

(h) “Board” means the Board of Supervisors of the County of Tulare.

(i) “County” means the County of Tulare.

(j) “Day” means calendar day.

(k) “Driver” means a person who is licensed by the California Department of Motor Vehicles to operate an ambulance.

(l) “EMS” means Emergency Medical Services, which include all services required to identify, respond to, stabilize and treat all medical and psychiatric emergencies.

(m) “EMS Agency Policies and Procedures Manual” means the County manual containing the policies and procedures of the County Emergency Medical Services System and approved by the Local EMS Agency in accordance with Health and Safety Code section 1798 et seq.

(n) “Emergency call” means a request for the dispatch of an ambulance to transport or provide other assistance to persons in sudden need of immediate medical attention, including the transport of all persons identified in Welfare and Institutions Code section 5150.

(o) “Emergency service” means any service performed in response to an emergency call.

(p) “Emergency Medical Technician-I” or “EMT-I” means an individual defined in Health and Safety Code section 1797.80, trained in basic life support according to standards set forth in the California Code of Regulations, Title 22, Division 9, Chapter 2, ~~sections 100005~~ section 100056 et seq., and certified as such by the local EMS Agency.

(q) “Emergency Medical Technician-II” or “EMT-II” means an individual defined in Health and Safety Code section 1797.82 with a scope of ~~service~~ practice as set forth in Health and Safety Code section 1797.171, trained in accordance with the California Code of Regulations, Title 22, Division 9, Chapter 3, section 100101 et seq., and certified as such by the local EMS Agency.

(r) “Exclusive Operating Area” means an EMS area or subarea defined by the emergency medical services plan for which a local EMS agency, upon the recommendation of the County, restricts operations to one or more emergency ambulance services or providers of limited advanced life support or advanced life support in accordance with Health and Safety Code section 1797.85.

(s) “Health Director” means the Director of the Department of Health Services of Tulare County or his or her authorized representative or designee.

(t) “Health Officer” means the Health Officer of Tulare County.

(u) “Local EMS Agency” means the Tulare County Department of Health Services as designated by the County under Health and Safety Code section 1797.200, unless otherwise designated.

(v) “Mobile Intensive Care Nurse” or “MICN” means a registered nurse meeting the requirements set out in the definition of Health and Safety Code section 1797.56, and currently certified as such by the local EMS Agency.

(w) “Paramedic” or “EMT-P” or “mobile intensive care paramedic” means an individual defined in Health and Safety Code section 1797.84 whose scope of practice and training to provide advanced life support is according to standards set forth in California Code of Regulations, Title 22, Division 9, Chapter 4, section 100135 et seq., and certified as such by the local EMS Agency.

(x) “Patient” means an injured, sick, or otherwise incapacitated person.

(y) “Person” means any individual, corporation, partnership, association, trust, estate, municipal corporation, city, or special district.

(z) “Service area” means the geographic area designated by the Board in which ambulance services are to be provided.

**Section 82.** 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 83.** Section 6-07-2010 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-2010. SAME: EXCEPTIONS:**

The provisions of this Article shall not apply to the following:

(a) Any ambulance owned or operated by the United States, or the State of California, and the personnel operating such ambulance.

(b) Any ambulance and personnel operating such ambulance which is only temporarily within the County at the request of a hospital or physician for the purpose of providing specialized care for transport of a patient to a facility which will provide specialized medical services to the patient, and is owned by an ambulance company located outside the County.

(c) Any ambulance and personnel operating such ambulance rendering assistance to patients during any “state of war emergency,” “state of emergency,” or “local emergency,” as those terms are defined in the ~~California~~ Government Code, or as otherwise requested by the Health Director, Health Officer, or public safety agency for a mutual aid response.

(d) Any ambulance company located outside of the County and authorized to operate in a service area within the County, to the extent the ambulance company is exempted from all or any part of the provisions of this Chapter pursuant to a Memorandum of Understanding with the local EMS Agency reviewed and approved by the Board of Supervisors.

(e) Any ambulance company based outside the County when one of the following applies:

(1) A patient is being transported to a residence or facility within the County from a residence or facility outside the County; or

(2) A patient is being transported through the County to a destination outside the County;  
or

(3) A patient was transported into the County by the same ambulance company and is being transported back to the county of origin.

(f) Any ambulance owned and operated by a municipal corporation, city, or special district, if specifically exempted by resolution of the Board of Supervisors upon such conditions as the Board may find to be appropriate.

**Section 84.** Section 6-07-4000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-4000. MICN CERTIFICATE:**

Any person desiring to act as or be employed as a Mobile Intensive Care Nurse or MICN for a Base Station Hospital within the County shall apply for and obtain a registered nurse certificate in accordance with the Nursing Practice Act, Business and Professions Code section ~~2725~~ 2700 et seq., and shall apply for and obtain an MICN certificate in accordance with the EMS Agency Policies and Procedural Manual.

**Section 85.** Section 6-07-5000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 86.** Section 6-07-5020 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-5020. DOCUMENTS TO ACCOMPANY APPLICATION:**

The application for an ambulance service provider license shall be accompanied by the following documents, where applicable:

(a) Evidence that all vehicles proposed to be used to provide services have been properly licensed and inspected by the State of California.

(b) Evidence that each person employed by or working for the applicant as an ambulance driver or ambulance attendant possesses a valid certificate as required by State laws and regulations, this Chapter, and the EMS Agency Policies and Procedures Manual.

(c) A map or other description of the service area in which the applicant proposes to provide ambulance services.

(d) Certificates or evidence of insurance verifying compliance with this Article.

(e) Such other information or documentation as the Health Director determines is reasonably necessary to determine whether the provisions of this ~~chapter~~ Chapter have been and/or will be complied with.

**Section 87.** Section 6-07-5100 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 88.** 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 89.** Section 6-07-7010 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-7010. RESPONSIBILITIES AND DUTIES OF AMBULANCE SERVICE PROVIDER LICENSEES:**

Each Ambulance Service Provider Licensee shall comply with the provisions of the Emergency Medical Service System and the Prehospital Emergency Medical Care Act, Health and Safety Code ~~sections~~ section 1797 et seq.; California Code of Regulations, Title 22, ~~sections~~ section 100000 et seq.; the EMS Agency Policies and Procedures Manual; and any written agreement with the County.

In addition to the other requirements and obligations set forth in this Chapter, each ambulance service provider licensee shall:

(a) Render services required under this Chapter on a twenty-four (24) hour a day basis throughout the entire service area specified by the license in accordance with the EMS Agency Policies and Procedures Manual and any written agreement with the County. Such service shall commence within five (5) days after the issuance of the license unless the Board extends such time limitation upon the showing of good cause by the licensee.

(b) Not voluntarily discontinue any services to the service area or any portion thereof without first giving written notice to the Health Director at least ninety (90) days prior to the proposed discontinuance.

(c) Notify the local EMS Agency in writing within five (5) days after the receipt of the results of all vehicle inspections conducted by the State and of any disciplinary action taken by any State agency regarding any ambulance license.

(d) Notify the Health Director in writing within five (5) days after being informed of any disciplinary action taken against any ambulance driver or attendant employed by the licensee which could result in suspension or revocation of a certificate pursuant to California Code of Regulations, Title 22, Division 9, Chapter 4, section 100135 et seq., and Chapter 6, section 100201 et seq.

(e) Notify the Health Director in writing within thirty (30) days of any other changes in the information set forth in any application, certification, or document required by this Chapter.

(f) Immediately notify the local EMS Agency and other affected public safety agencies beforehand of any or foreseeable interruptions, suspensions, or delays in services which may endanger the health, safety, and welfare of the residents of the service area, or portion thereof, covered by the license.

(g) Immediately notify the local EMS Agency and other affected public safety agencies of any unforeseeable interruptions, suspensions, or delays in service as they occur which result in the licensee being unable to put the required number of ambulances in the field in accordance with its ambulance service provider license and the EMS Agency Policies and Procedures Manual.

(h) Staff each ambulance with at least two (2) persons at all times, including a driver and attendant, each of whom must be an EMT-I, EMT-II, Paramedic, and/or MICN as specified in individual ambulance provider agreements.

(i) Participate in the 9-1-1 telephone system of the County.

**Section 90.** Section 6-07-8000 of Chapter 7 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-07-8000. AMBULANCE SERVICE PROVIDER LICENSES:  
MODIFICATIONS:**

(a) An ambulance service provider licensee shall file an application with the Health Director if the [word added] licensee desires to have the ambulance service provider license amended to allow the licensee to do any of the following:

(1) Change the number of ambulances or make any exchange thereof, or change the required staffing thereof.

(2) Change the location where ambulances, operating equipment, and supplies are located.

(3) Make any change in ownership of the business not affecting control of the ambulance company.

(4) Modify or delete any of the conditions or terms of the ambulance service provider license.

(b) The Health Director shall investigate any proposed change as specified in subdivision (a)(1) or (a)(2) of this section and shall either approve or disapprove any such change. Within ten (10) days of receiving notice of the Health Director's decision, an ambulance service provider licensee may file with the Health Director a notice of appeal to the Board of Supervisors. If the ambulance service provider licensee desires a hearing before the Board of Supervisors, the licensee shall request such a hearing in writing at the time of filing the appeal. The Health Director shall then file a report and recommendation, including the Health Director's original decision and the ambulance service provider licensee's notice of appeal, with the Board of Supervisors regarding such proposal. The Board shall thereafter hold a public hearing on such appeal if a hearing is requested by the ambulance service provider licensee or, if no hearing is requested, the Board may act on such appeal without holding a public hearing.

(c) The Health Director shall investigate any proposed change as specified in subdivision (a)(4) of this section and shall file a report and recommendation with the Board regarding such proposal. The Board shall thereafter hold a hearing on such change as provided in this Chapter.

**Section 91.** 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 92.** Section 6-09-1000 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-09-1005 and amended to read as follows.

**§ ~~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 93.** New Section 6-09-1000 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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 94.** Section 6-09-1020 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-09-1020. LICENSE REQUIRED:**

It shall be unlawful for any person to conduct any bingo game in the unincorporated area of ~~Tulare~~ the County unless such person is a member of a nonprofit organization acting on behalf of such nonprofit organization and has been issued a license as provided ~~by~~ in this ~~Article~~ Chapter.

**Section 95.** Section 6-09-2010 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-09-2010. TERM OF LICENSE AND FEES:**

~~The term of a 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 96.** Section 6-09-2020 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 6-09-2020. 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, Director of the Resource Management Agency, or Health Officer.

**Section 97.** Section 6-09-3020 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-09-3020. 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 98.** Section 6-09-3040 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~~ Chapter.

**Section 99.** Section 6-09-3050 of Chapter 9 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-09-3050. VIOLATIONS: INJUNCTIONS:**

(a) It is a misdemeanor under subdivision (b) of section 326.5 of the ~~California~~ Penal Code for any person to pay or receive a profit, wage, or salary from any bingo game authorized under this Chapter. A violation of this provision shall be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000), which fine shall be deposited in the general fund of the County.

(b) Any person violating any of the other provisions or failing to comply with any of the other requirements of this Chapter shall be guilty of a misdemeanor.

(c) The County of ~~Tulare~~ may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the Penal Code or of this Chapter.

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

**Section 100.** Section 6-11-1010 of Chapter 11 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-11-1010. LICENSE REQUIRED:**

Any person who operates or conducts a circus or carnival within the County of ~~Tulare~~ shall have a valid license to engage in such business.

**Section 101.** 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)~~ (g) 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 102.** Section 6-11-2020 of Chapter 11 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 103.** Chapter 12 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**CHAPTER 12. COTTAGE FOOD OPERATORS**

**§ 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.

**§ 6-12-1010. LICENSE REQUIREMENT.**

Notwithstanding the exemptions from license requirements in Section 6-01-1055, a cottage food operator shall have a business license.

**§ 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. 13, Distribution and Display of Drug Paraphernalia]*

**Section 104.** Section 6-13-1000 of Chapter 13 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-13-1000. DEFINITIONS:**

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

(a) “Business” means a fixed location, whether indoors or outdoors, at which merchandise is offered for sale at retail.

(b) “Display” means to show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

(c) “Patron” means a person who enters a business for the purpose of purchasing or viewing as a shopper merchandise offered for sale at the business.

(d) “Distribute” means to transfer ownership or possessory interest to another, whether for consideration or as a gratuity, and includes both sales and gifts.

(e) “Controlled substance” means those controlled substances set forth in sections 11054, 11055, 11056, 11057 and 11058 of the ~~California~~ Health and Safety Code, identified as Schedules I through V inclusive, as said sections now exist or may hereafter be amended.

(f) “Drug paraphernalia” means all equipment, products, and materials of any kind which are intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any law of the State of California, and includes, but is not limited to, all of the following:

(1) Kits intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits intended for use in manufacturing, compounding, converting, producing or preparing controlled substances.

(3) Isomerization devices intended for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances intended for use in weighing or measuring controlled substances.

(6) Dilutants and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use in cutting controlled substances.

(7) Separation gins and sifters intended for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices intended for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers intended for use in packaging small quantities of controlled substances.

(10) Containers and other objects intended for use in storing or concealing controlled substances.

(11) Objects intended for use in injecting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(B) Water pipes.

(C) Carburetion pipes, tubes and devices.

(D) Smoking and carburetion masks.

(E) Roach clips, meaning objects used to hold burning controlled substances, such as marijuana, encased in a cigarette that has become too small or short to be held with the fingers.

(F) Miniature cocaine spoons and cocaine vials.

(G) Chamber pipes.

(H) Air driven pipes.

(I) Electric pipes.

(J) Bongs.

(K) Chillums.

(L) Ice pipes or chillers.

In determining whether an object is “drug paraphernalia,” a court or other authority may consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) The proximity of the object to controlled substances.

(3) The existence of any residue of controlled substances on the object.

(4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver the object to persons whom the owner knows intend to use the object to facilitate a violation of the laws of the State of California relating to controlled substances.

(5) Instructions, oral or written, provided with the object concerning its use.

(6) Descriptive materials accompanying the object which explain or depict its use.

(7) National and local advertising concerning use of the object.

(8) The manner in which the object is displayed for sale.

(9) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.

(10) The existence and scope of legitimate uses for the object in the community.

(11) Expert testimony concerning its use.

(g) "Person" means a natural person or any firm, partnership, association, corporation, or cooperative association.

**Section 105.** Section 6-13-1010 of Chapter 13 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-13-1010. DISPLAY OF DRUG PARAPHERNALIA:**

Except as otherwise authorized by law:

(a) It shall be unlawful for any person to willfully maintain or operate any business in the unincorporated area of the County of ~~Tulare~~ knowing, or under circumstances where a reasonable person would know, that drug paraphernalia is displayed at such business to or in the presence of any person.

(b) It shall be unlawful for any person who is the owner of a business, an employee thereof, or who works at such business as an agent of the owner to willfully display drug paraphernalia at such a business within the unincorporated area of the County of ~~Tulare~~, to or in the presence of any person.

**Section 106.** Section 6-13-1020 of Chapter 13 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-13-1020. DISTRIBUTION OF DRUG PARAPHERNALIA:**

Except as otherwise authorized by law:

(a) It shall be unlawful for any person to willfully distribute within the unincorporated area of the County of ~~Tulare~~ to any person any drug paraphernalia knowing, or under circumstances where a reasonable person would know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any law of the State of California.

(b) It shall be unlawful for any person to buy, receive, or accept within the unincorporated area of the County of ~~Tulare~~ any drug paraphernalia with the intent to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any law of the State of California.

**Section 107.** Section 6-13-1050 of Chapter 13 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-13-1050. SAME: NUISANCE:**

Any business located within the unincorporated area of the County of ~~Tulare~~ in which three or more violations of subdivisions (a) or (b) of section 6-13-1010 of this Chapter or subdivision (a) of section 6-13-1020 of this Chapter or any combination thereof occur within any period of three months or less, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of section 731 of the ~~California~~ Code of Civil Procedure. This remedy is in addition to any other remedy provided by law, including the penalty provisions of section 6-13-1040 of this Chapter.

*[Following are amendments to Ch. 15, Fortune Telling]*

**Section 108.** Section 6-15-1000 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is renumbered without amendment to Section 6-15-1010.

**[§ ~~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 109.** Section 6-15-1010 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is renumbered without amendment to Section 6-15-1000.

**[§ ~~6-15-1010~~ 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.]*

**Section 110.** Section 6-15-1030 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-15-1030. LICENSE REQUIRED:**

(a) It shall be unlawful and a misdemeanor for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, within the unincorporated area of the County of ~~Tulare~~, the operation of a fortune-telling establishment without first having obtained a license from the County of ~~Tulare~~ as provided in Chapter 1 of this Part. A fortune-telling establishment license shall include the right of the individual licensee to practice fortune-telling at such an establishment.

(b) It shall be unlawful and a misdemeanor for any person to act as a fortune-teller within the unincorporated area of the County of ~~Tulare~~ without first having obtained a license from the County of ~~Tulare~~ as provided in Chapter 1 of this Part.

(c) It shall be unlawful and a misdemeanor for any person to act as a fortune-teller in other than a duly licensed fortune-telling establishment.

**Section 111.** Section 6-15-2000 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-15-2000. ISSUANCE OF LICENSE:**

The license collector shall issue the license if, in addition to compliance with Chapter 1 of this Part, the license collector finds:

(a) That the operation, as proposed by the applicant, would comply with all applicable laws.

(b) That the applicant has not been convicted in a court of competent jurisdiction of any of the following offenses:

(1) An offense involving use of force or violence upon the person of another.

(2) An offense involving the element of fraud or theft.

(3) A crime requiring registration under section 290 of the ~~California~~ Penal Code, or of any violation of sections 311 through 311.7, 314, 315, 316, 318, or subdivisions (a), (b), or (d) of section 647 of the Penal Code.

(4) A crime requiring registration under section 11590 of the ~~California~~ Health and Safety Code, or violations of sections 11352, 11360, 11366, 11377, or 11379 of the Health and Safety Code.

(5) Any other crime involving moral turpitude.

(6) Any of the above substantive offenses as defined in the laws of any jurisdiction other than the State of California or as defined by any law of the State of California in effect before the above sections were adopted.

(c) That the applicant has not knowingly and with intent to deceive made any false, misleading, or fraudulent statements of fact in the license application or any other document required by the County in conjunction therewith.

**Section 112.** Section 6-15-2040 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-15-2040. REAPPLICATION FOR DENIED OR REVOKED LICENSE:**

Any person whose license is denied or revoked may not apply for a license to operate a fortune-telling establishment or practice fortune-telling in the County of ~~Tulare~~ for a period of one (1) year from the date such denial or revocation becomes final.

**Section 113.** Section 6-15-3040 of Chapter 15 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-15-3040. INSPECTION:**

The Sheriff shall from time to time cause an inspection to be made of the premises of each fortune-telling establishment in the County of ~~Tulare~~ for the purpose of determining compliance with the provisions of this article.

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

**Section 114.** Section 6-17-1010 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-1010. DEFINITIONS:**

As used in this Chapter, the following definitions shall apply:

(a) "Applicant" means any person who has applied for, or is about to apply for, a County gambling license, or approval of any act or transaction for which County approval is required or permitted under this Chapter.

(b) “Controlled game” means any controlled game, which is played with cards, dominoes, playing tiles, tokens, or any device representing any numbered, spotted or faced playing card or domino.

(c) “Expansion” means an increase of 25 percent or more in the number of authorized gambling tables in a gambling establishment, based on the number of gambling tables for which a license initially was issued.

(d) “Finding of suitability” means a finding that a person meets the qualification criteria described in ~~subdivisions (a) and (b) of Business and Professions Code Section~~ section 19857, and that the person would not be disqualified from holding a state gambling license on any of the grounds specified in ~~subdivision (a) of Business and Professions Code Section~~ section 19859.

(e) “Game” and “gambling game” means any controlled game.

(f) “Gambling” means to deal, operate, carry on, conduct, maintain, or expose for play any controlled game.

(g) “Gambling enterprise card dealer” means any natural person employed in the operation of a gambling enterprise who engages in the business of dealing cards in a gaming club and who receives compensation for his or her services.

(h) “Gambling establishment” or “establishment” (including “card room” or “gaming club”) means one or more rooms where any controlled gambling occurs.

(i) “Gambling license” (including “card room license” or “gaming club license”) means any license issued by the County of ~~Tulare~~, unless otherwise specified, that authorizes the person named therein to conduct a gambling operation.

(j) “Gambling operation” means one or more controlled games that are dealt, operated, carried on, conducted, maintained, or exposed for play for commercial gain.

(k) “Key employee” means any natural person employed in the operation of a gambling enterprise in a supervisory capacity or empowered to make discretionary decisions that regulate gambling operations, including, without limitation, pit bosses, shift bosses, credit executives, cashier operations supervisors, gambling operation managers and assistant managers, managers or supervisors of security employees, or any other natural person designated as a key employee by the division for reasons consistent with the policies of this ~~chapter~~ Chapter.

(l) “Licensed gambling establishment” means the gambling premises encompassed by a County gambling license.

(m) “Owner licensee” means an owner of a gambling enterprise who holds a County gambling license.

(n) “Person” unless otherwise indicated includes a natural person, corporation, partnership, limited partnership, trust, joint venture, association, or any other business organization.

(o) "Work permit" means any card, certificate, or permit issued by the California Gambling Control ~~Division~~ Commission or by the County, whether denominated as a work permit, registration card, or otherwise, authorizing the holder to be employed as a gambling enterprise employee (as defined in ~~Business and Professions Code section~~ Bus. & Prof. Code, § 19805).

**Section 115.** 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~~ Bus. & Prof. Code, § 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~~ Bus. & Prof. Code, § 19802, subd. (a)).

**Section 116.** Section 6-17-1030 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-1030. PERMITTED SUBJECT MATTER OF REGULATION BY LOCAL ORDINANCE:**

Under Business and Professions Code ~~Section~~ section 19964, the issuance of a state gambling license to a person imposes no requirements upon the County to issue a license to the person. Nothing in the Gambling Control Act shall be construed to preclude the County from:

- (a) Prohibiting any gambling activity;
- (b) Imposing more stringent local controls or conditions upon gambling;
- (c) Inspecting gambling premises to enforce applicable state and local laws; or
- (d) Imposing any local tax or license fee;

if the prohibition, control, condition, inspection, or fee is not inconsistent with the Gambling Control Act.

**Section 117.** Section 6-17-1050 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-1050. LIBERAL CONSTRUCTION:**

This Chapter is an exercise of the police power of the County of ~~Tulare~~ for the protection of the health, safety, and welfare of the people of the County of ~~Tulare~~ and shall be liberally construed to effectuate those purposes.

**Section 118.** Section 6-17-1060 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-1060. GAMING ESTABLISHMENT: LICENSE REQUIRED:**

Any person who operates a gambling establishment within the County of ~~Tulare~~ shall have a valid license to engage in such business issued by the State of California pursuant to the Gambling Control Act and also a valid license issued by ~~Tulare~~ the County. A copy of the State license application and the State license shall be filed with the license collector prior to the operation of any gambling establishment. A gambling establishment license does not authorize the licensee to engage in the business of a gambling enterprise employee.

**Section 119.** Section 6-17-1070 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-1070. GAMBLING ENTERPRISE EMPLOYEE: LICENSE REQUIRED.**

Any person who engages in the business of a gambling enterprise card dealer within the County of ~~Tulare~~ shall have a valid license to engage in such business issued by the County-~~of Tulare~~.

**Section 120.** Section 6-17-2010 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-2010. NOTICE OF APPLICATION:**

Within three (3) days after an application for a ~~Tulare~~ County gambling establishment license has been filed with him or her, the license collector shall cause a notice of such application to be posted and maintained for a period of ten (10) days outside of, and in proximity to, the main entrance of the proposed business premises. The license collector shall not issue a

Tulare County gambling establishment license until after the expiration of said ten (10) day period. This section shall not apply to an application for renewal of a valid license.

**Section 121.** Section 6-17-2020 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

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

**§ 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 123.** Section 6-17-3040 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-3040. PATRON SECURITY AND SAFETY: REQUIREMENTS AND PROHIBITIONS:**

The owner licensee shall be liable if he or she permits or allows an agent or employee to permit a person to:

(a) Enter a gambling establishment while such person appears to be obviously under the influence of any intoxicating beverage, narcotic, or drug.

(b) Play in any controlled game at any time while such person is obviously under the influence of any intoxicating beverage, narcotic, or drug.

(c) Enter or remain in a gambling establishment who engages in or has been convicted of bookmaking, loan sharking, the sale of controlled substances, illegal gambling activities, prostitution, pimping, pandering or whose presence in or about such gambling establishment would be inimical to the interests of legitimate gaming.

(d) Violate any federal, state, and local laws, rules and regulations on the gambling establishment premises.

**Section 124.** Section 6-17-3050 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-3050. LOCATION OF GAMBLING ESTABLISHMENTS:**

(a) Gambling establishments shall be permitted only in the zone or zones where allowed or permitted by the ~~Tulare County Zoning Ordinance, Tulare County Ordinance (Ord. No. 352),~~ as amended from time to time. Non-compliance with this section shall be both a violation of the Ordinance Code and the ~~Tulare County Zoning Ordinance.~~

(b) No new gambling establishment or expansion of an existing gambling establishment shall be permitted within 500 yards of an existing school, an existing building used primarily as a place of worship, an existing playground or other area of juvenile congregation, an existing hospital, convalescence facility, or another similarly unsuitable area as determined by the ~~County~~ Resource Management Agency.

(c) The County shall deny a license to a proposed gambling establishment or expansion of an existing gambling establishment if the County finds that the gambling establishment or expansion would tend unduly to create law enforcement problems in ~~Tulare~~ the County, a city within the County, ~~or an adjoining city or county or a city within that county.~~

**Section 125.** Section 6-17-3070 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-17-3070. LIMITATION ON AUTHORIZED TABLES:**

(a) The maximum number of gambling tables (if permitted by the license issued by ~~Tulare~~ the County and subject to the limitations contained in the Gambling Control Act) to be operated in a single gambling establishment shall be five.

(b) The total number of gambling tables authorized, which may be permitted to be operated, in the County shall be twelve, pursuant to the limitations contained in the Gambling Control Act.

(c) Temporary uses of gambling tables in tournaments and other special events shall be permitted only if prior written authorization is obtained by the gambling establishment from the California ~~Division of~~ Gambling Control Commission pursuant to its applicable regulations. A copy of the authorization shall be delivered to or received by the license collector and ~~County~~ the Sheriff prior to the special event and a copy also shall be posted on the premises for the duration of the special event.

**Section 126.** Section 6-17-3080 of Chapter 17 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

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

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

**§ 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 Bus. & Prof. Code, § 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 Bus. & Prof. Code, § 21600 et seq.).~~

**Section 129.** Section 6-19-1020 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-19-1020. LICENSE REQUIRED:**

Any person engaging in the junk business or in the itinerant junk business within the County of ~~Tulare~~ shall have a valid license under Chapter 1 of this Part to engage in such business.

**Section 130.** Section 6-19-1030 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-19-1030. FIXED PLACE OF BUSINESS LOCATED IN ANOTHER COUNTY OR WITHIN CITY:**

This Chapter is also applicable to persons who have their fixed place of business in another county or within a city located in ~~Tulare~~ the County if they engage in the junk business in the unincorporated territory of ~~Tulare~~ the County. Such a junk business shall not be deemed to be an itinerant junk business under the provisions of this Chapter.

**Section 131.** Section 6-19-1050 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 who is 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, where 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 132.** Section 6-19-2000 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 133.** Section 6-19-2010 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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, [comma added] 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 134.** Section 6-19-2020 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-19-2020. EXCEPTION TO FEE FOR INSPECTION OF PREMISES:**

When the fixed place of business is located in another county or within a city located in ~~Tulare~~ the County, the applicant is exempt from paying the application fee for inspection of the business premises, as required by Chapter 1 of this Part, and no investigation of the business premises shall be conducted pursuant to Chapter 1 of this Part.

**Section 135.** Section 6-19-3000 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 required by Business and Professions Code section 21600 et seq.

**Section 136.** Section 6-19-3010 of Chapter 19 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

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

**§ 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 138.** Section 6-20-1060 of Chapter 20 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-20-1060. DISPLAY OF NAME OF LICENSEE:**

It shall be unlawful for any licensee to use, or allow to be used, any vehicle in the mobile food vending business, unless such vehicle shall bear, on both sides thereof, in contrasting letters, identifying information of the type described in Section 114299 of the ~~California~~ Health and Safety Code, in the respective sizes required by that statute.

**Section 139.** 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~~ 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 complies or 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)~~ (g) 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 140.** 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 141.** Section 6-20-3010 of Chapter 20 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-20-3010. LOCATION OF OPERATIONS**

(a) On-Street Operation. [ ¶ added]

Pursuant to Vehicle Code section 22455, a mobile food vendor may stop to conduct business at a location within the right-of-way of a highway in the unincorporated area of the County if all of the following conditions are met:

(1) The mobile food facility shall not constitute an encroachment on the highway.

(2) The mobile food facility must be safely parked:

(A) At least one hundred (100) feet from any intersection, including intersections with public alleys;

(B) Where the applicable speed limit is 35 mph or slower;

(C) In such a manner that travel upon the highway, vehicular access to any driveway, the view of drivers, or lawful movement of any vehicle on the public highway is not impeded;

(D) In such a manner that patrons are not permitted to do business with the mobile food vendor from their vehicles;

(E) In such a manner that patrons of the mobile food facility may safely park on the same side of the road as the mobile food facility and walk to and from the mobile food facility using a sidewalk or other area away from the highway; and

(F) In such a manner that the window for patrons is on the side of the mobile food facility away from the traffic.

(3) At all times, at least one employee working in the mobile food facility must have a valid driver's license.

(4) The mobile food facility cannot be connected to any utility service.

(5) Unless other trash facilities are available, a mobile food facility shall provide trash containers for its patrons and shall remove the trash when the facility leaves the location. No other business equipment may be set out while the facility is parked on the street.

(6) The mobile food vendor must enter into an appropriate indemnification agreement with the County.

(b) Off-Street Operation.

(1) A mobile food facility may be parked at a location off the public highway in the unincorporated area if all of the following conditions are met:

(A) The mobile food facility must be safely parked at least 20 feet from the paved edge of any public highway and, if operating on a corner lot, at least 20 feet from the corner edge of the property that is the closest to the intersection of the public highways;

(B) The mobile food facility as parked must not ~~to~~ [word deleted] impede the view of drivers on the road;

(C) Patrons of the mobile food facility must not be permitted to do business with the mobile food vendor from their vehicles;

(E) Patrons of the mobile food facility must be able to safely park on the same side of the road as the mobile food facility and walk to and from the mobile food facility using a sidewalk or other area away from the highway; and

(F) The window for patrons must be on the side of the mobile food facility away from ~~the~~ [word deleted] traffic.

(2) Pursuant to Health and Safety Code section 114317, the exterior of a mobile food facility and the surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition. Unless other trash facilities are available, a mobile food facility shall provide trash containers for its patrons and shall remove the trash when the facility leaves the location.

(3) Business equipment, including but not limited to tables, chairs, and awnings, must be removed when a mobile food facility leaves a particular location, unless the mobile food vendor has written permission from the property owner to leave these items at the location. Utility connections to a mobile food facility are prohibited, unless the mobile food vendor (A) has written permission from the property owner, and (B) the mobile food vendor has complied with all applicable laws and ordinances for utility hookups. Any permanent improvement constructed at a particular location shall comply with all applicable laws, ordinances, and building and other codes.

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

**Section 142.** Section 6-23-1000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-23-1005 and amended to read as follows.

**§ ~~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 143.** New Section 6-23-1000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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 144.** Section 6-23-2010 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 145.** Section 6-23-2020 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-2020. APPLICATION FOR LICENSE:**

The application for a license shall be filed with the license collector and shall contain all of the information required by Chapter 1 of this Part, with the addition of the following:

(a) The name of the owner, the legal description, and the number of acres contained in the property on which the outdoor festival is to be conducted.

(b) The name of the owner, the legal description, and the number of acres contained in all property to be used for parking or other uses incidental to the outdoor festival.

(c) The date or dates and the hours during which the outdoor festival is to be conducted.

(d) An estimate of the minimum and maximum number of persons expected to attend the outdoor festival for each day that it will be conducted, together with detailed information supporting such estimate.

(e) Detailed plans and programs for supplying security protection, fire protection, communication facilities, medical and first aid facilities and services, water supply and facilities, sanitary facilities, solid waste disposal, food supply and facilities, parking facilities, access ways, traffic control, control of dust, illumination and overnight camping facilities. Such plans and programs shall cover in detail each and every item mentioned in Article 4 of this Chapter.

(f) A description of all loudspeakers and sound equipment to be used and the intensity of the sound, in decibels, at the boundaries of the property.

(g) The name, address, date and place of birth, and ~~Social Security number~~ appropriate identifying information of each person who will act as a security guard during the outdoor festival, or the name and address of the private patrol operator who is licensed pursuant to section 7582 et seq. of the ~~California~~ Business and Professions Code and who will supply such security guards.

(h) Complete details on the provisions for ~~clean up~~ cleanup of the premises and removal of rubbish after the event has concluded, and the specific place or places where all rubbish will be disposed of.

(i) Complete details on the procedures and equipment which the applicant will use to determine the number of persons in attendance at all times and the means of preventing attendance, at any time, in excess of the number allowed by the license.

**Section 146.** Section 6-23-2050 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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~~ Director of the Resource Management Agency, 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 147.** Section 6-23-3020 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-3020. GRANTING LICENSE:**

The license collector shall not grant a license for an outdoor festival unless he or she finds:

(a) That the outdoor festival will be held at a location which complies with all of the health, zoning, fire and safety requirements and standards of all applicable State laws and County ordinances.

(b) That all information required by this Chapter is in the application and that all documents required by this Chapter have been filed.

(c) That the proposed outdoor festival will not in any way jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use. The Board may find that a location is unsuitable even if in a proper zone.

(d) The applicant, his or her employees, agents, or any persons connected or associated with the applicant as a partner, director, officer, ~~stock holder~~ stockholder, associate or manager, have not been convicted within the last five (5) years in any court of competent jurisdiction of any of the following:

(1) Any crime requiring registration under section 290 of the ~~California~~ Penal Code.

(2) Any violation of Chapter 7.5 (beginning with section 311) of Title 9 of Part 1 of the Penal Code.

(3) Any violation of Chapter 7.6 (beginning with section 313) of Title 9 of Part 1 of the Penal Code.

(4) Any violation of subdivision (a), (b), or (d) of section 647 of the Penal Code.

(5) Any violation of section 315, 316 or 318 of the Penal Code.

(6) Any offense involving the use of force or violence upon the person of another.

(7) Any offense involving the maintenance of a nuisance in connection with the same or a similar business operation.

(8) Any felony described in Division 10 of the ~~California~~ Health and Safety Code.

(e) The applicant, his or her employees, agents, or any persons connected or associated with the applicant as a partner, director, officer, stockholder, associate, or manager have not allowed or permitted any illegal possession, use, sale or delivery of narcotics or any acts of sexual misconduct in prior business operations.

(f) The applicant, his or her employees, agents, or any persons connected or associated with the applicant as a partner, director, officer, stockholder, associate, or manager have not knowingly made any false, misleading, or fraudulent statement of material fact in the application and accompanying documents.

(g) The applicant has not had a similar type of license previously revoked for good cause by any State, county or other political subdivision, within one (1) year prior to the application or, if the applicant has, he or she also has shown material changes in circumstances since such revocation.

**Section 148.** Section 6-23-4030 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-4030. SECURITY GUARDS:**

The licensee shall furnish one (1) ~~male~~ security guard, either approved by the Sheriff or supplied by the private patrol operator whose name and address is stated in the application, and who is licensed pursuant to section 7582 et seq. of the ~~California~~ Business and Professions Code, for each two hundred (200) persons which the license permits to attend an outdoor festival. Such security guards shall wear uniforms at all times and shall be constantly in attendance during the entire period commencing one (1) hour before the start of the outdoor festival and ending one (1) hour after the final termination of the outdoor festival. Such security guards shall devote their entire time and attention to keeping order and enforcing all applicable State laws, County ordinances and the requirements of the license.

**Section 149.** 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 Director of ~~Planning~~ the Resource Management Agency 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 150.** Section 6-23-4120 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-4120. ACCESS WAYS: TRAFFIC GUARDS:**

The licensee shall provide all exterior and interior access ways which the Director of ~~Planning~~ the Resource Management Agency determines to be necessary for the use of persons attending the festival. Such access shall be provided from a road maintained by the County or the State to the property used for the outdoor festival. All exterior and interior access ways shall be clearly delineated by means of curbs or buffers on the ground. The licensee shall not permit any person to occupy any such access way except for the purpose of access or to cross the same. A sufficient number of traffic guards shall be provided to ensure orderly traffic movement, eliminate traffic congestion, and ensure adequate control of all traffic on the premises at all times.

**Section 151.** Section 6-23-4130 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-4130. PUBLIC STREETS AND ALLEYS:**

If the ~~Road Commissioner~~ Director of the Resource Management Agency determines that roadside parking, ingress and egress to parking areas, or vehicle and pedestrian traffic incident to the outdoor festival require that signs, lights, barricades, fences, or other devices are needed within public road rights-of-way to prevent accidents or damage to the public, such devices shall be furnished, erected, maintained and removed by the licensee. The licensee shall also furnish

such flaggers and guards as necessary to safely direct traffic or give adequate warning to traffic of any dangerous condition to be encountered.

**Section 152.** 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 Director of ~~Planning~~ the Resource Management Agency 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 153.** 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~~ Director of the Resource Management Agency 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 154.** Section 6-23-4170 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-4170. ANIMALS:**

All animals brought to an outdoor festival ~~must~~ shall be kept on a leash or otherwise confined at all times by the person having control, custody or possession of the animal.

**Section 155.** The text of Section 6-23-5000 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is repealed, but the section number shall remain with a new heading as follows.

**§ 6-23-5000. DIRECTIONS TO LICENSE COLLECTOR: [Repealed]**

~~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 156.** Section 6-23-5010 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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.

**Section 157.** Section 6-23-7010 of Chapter 23 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-23-7010. PROHIBITED ACTS: GENERALLY:**

It shall be unlawful for any person, including, but not limited to, a licensee or any officer, employee, or agent of the licensee, to perform any of the following acts:

(a) Sell tickets, or offer to sell tickets, for admission to an outdoor festival unless a valid, unrevoked license to conduct an outdoor festival has been issued.

(b) Print or cause to be printed more tickets for admission to an outdoor festival than the maximum number of persons allowed to attend as specified in the license.

(c) Advertise, or otherwise publicly announce by any means, that an outdoor festival will be held in the County of Tulare unless a valid, unrevoked license to conduct the outdoor festival has been issued.

(d) Provide entertainment at an outdoor festival, whether or not compensation is paid for the performance of said entertainment, with the knowledge that a license has not been obtained or with knowledge that the license has been revoked.

(e) Participate in any exhibit, show, act, entertainment or conduct at, or as part of, any outdoor festival, which is obscene, indecent or lewd, no matter by what name designated.

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

**Section 158.** 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 159.** Section 6-25-1030 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-25-1030. EXCEPTIONS TO LICENSE REQUIREMENT:**

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

- (a) Any ~~peddler person~~ 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 160.** 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 161.** 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 162.** Section 6-25-1060 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-25-1060. DISPLAY OF NAME OF LICENSEE:**

It shall be unlawful for any licensee to use, or allow to be used, any vehicle in the peddling business, unless such vehicle shall bear, on both sides thereof, in contrasting letters identifying information of the type described in section 114299 of the ~~California~~ Health and Safety Code, in the respective sizes required by that statute.

**Section 163.** 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 164.** 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 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)~~ (g) 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 165.** Section 6-25-2020 of Chapter 25 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

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

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

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

**§ 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 170.** Section 6-27-1020 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-27-1020. LICENSE REQUIRED:**

Any person who operates or conducts a public dance within the County of ~~Tulare~~ shall have a valid license to engage in such business.

**Section 171.** Section 6-27-1030 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-27-1030. SAME: EXCEPTIONS:**

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

(a) Any dancing school or social organization, having a fixed membership, that conducts a dance solely for the benefit of its members and the guests of such members, and that does not extend invitations to members of the general public.

(b) Any dance that is conducted under the auspices of any primary or secondary school or junior college, and attended solely by the students of any such school and any of the parents or teachers of such students.

(c) Any dance that is conducted as part of a community recreation program pursuant to the provisions of section 10900 et seq. of the ~~California~~ Education Code.

**Section 172.** 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)~~ (g) 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 173.** Section 6-27-2020 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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.

**Section 174.** Section 6-27-3010 of Chapter 27 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-27-3010. USE OF ALCOHOLIC BEVERAGES:**

It shall be unlawful for any person to drink any alcoholic beverage in a public dance hall or in a private parking area provided for patrons of a public dance, while such a public dance is being conducted, unless the licensee who is conducting said dance has provided that alcoholic beverages shall be dispensed and served in accordance with the provisions of Division 9 (commencing at with section 23000) of the ~~California~~ Business and Professions Code.

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

**Section 175.** Section 6-35-1000 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is renumbered to Section 6-35-1005 and amended to read as follows.

**§ ~~6-35-1000~~ 6-35-1005. PURPOSE:**

The several rivers located within ~~Tulare~~ the 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 176.** New Section 6-35-1000 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is added to read as follows:

**§ 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.

**Section 177.** Section 6-35-2030 of Chapter 35 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-35-2030. LICENSE: ISSUANCE:**

Upon receipt of an application, the license collector shall refer the application to the ~~Planning~~ Director of the Resource Management Agency. The ~~Planning~~ 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 178.** Section 6-35-2040 of Chapter 35 of Part VI of the Ordinance Code of Tulare is amended to read as follows:

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

**§ 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 180.** 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~~ Director of the Resource Management Agency 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 181.** 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~~ Director of the Resource Management Agency 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. 37, Transportation Demand Management Plans]*

**Section 182.** Section 6-37-1000 of Chapter 37 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-37-1000. ADOPTION OF TRANSPORTATION DEMAND MANAGEMENT REGULATIONS:**

In compliance with ~~California~~ Health and Safety Code section 40910 et seq., the County of Tulare hereby adopts Rule 9001 of the San Joaquin Valley Unified Air Pollution Control District, as administered by, and as amended from time to time by, said District, as the Transportation Demand Management Regulation within the County ~~of Tulare~~.

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

**Section 183.** Section 6-39-2010 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-39-2010. SAME: EXCEPTIONS:**

When the fixed place of business is located in another county, or within a City located in ~~Tulare~~ the County, the applicant shall be exempt from payment of the application fee for inspection of the business premises as required by, and no investigation of the business premises will be conducted pursuant to, Chapter 1 of this Part.

**Section 184.** Section 6-39-2020 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 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 185.** Section 6-39-3000 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-39-3000. USE OF LICENSED WASTE TIRE HAULER REQUIRED:**

It shall be unlawful for any tire dealer in ~~Tulare~~ the County to contract with, or otherwise permit, any person to collect and/or transport its waste tires unless that person holds a valid waste tire hauler license or is a person excepted from the provisions of this Chapter.

**Section 186.** Section 6-39-3010 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-39-3010. REPORT OF TRANSACTIONS BY LICENSEE:**

All licensees shall be required to file a monthly report with the ~~Public Works~~ Director of the Resource Management Agency on a form prescribed by the Director of each and every transaction in which the licensee was involved in the collection and/or transportation of waste tires within the County, which shall contain the following information as to each such transaction:

- (a) The date and time waste tires were collected and/or transported.
- (b) The approximate quantity of waste tires collected and/or transported.
- (c) The name and address of the person for whom the waste tires were collected and/or transported.
- (d) The location from which the waste tires were collected and/or transported.
- (e) The location to which the waste tires were transported.

The licensee shall retain receipts or other appropriate documentation which verify that the waste tires in each transaction were transported to lawful disposal sites, and shall produce that documentation to the ~~Public Works~~ Director of the Resource Management Agency if requested by the Director.

**Section 187.** Section 6-39-3020 of Chapter 39 of Part VI of the Ordinance Code of Tulare County is amended to read as follows:

**§ 6-39-3020. REPORT OF DISPOSITION BY TIRE DEALERS:**

All tire dealers located in ~~Tulare~~ the County shall be required to file with the ~~Public Works~~ Director of the Resource Management Agency a monthly report on a form prescribed by the Director of each and every disposition of its waste tires, which shall contain the following information as to each such disposition:

- (a) The date and time of each such disposition.
- (b) The approximate quantity of waste tires disposed.
- (c) The manner of transportation used to dispose of the waste tires, including the name and license number of the waste tire hauler used, if applicable. In all cases where a common carrier was used, copies of documentation verifying such use shall be attached to the report.

(d) The location of the site to which the waste tires were transported, if known.

For purposes of this section, "disposition" shall mean the removal of waste tires from the business premises or other location used by the dealer in its business.

**Section 188.** 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