ORDINANCE No. 1168

AN ORDINANCE REPEALING CHAPTER 14 OF THE SOLANO COUNTY CODE AND ENACTING A NEW AND DIFFERENT CHAPTER 14 OF THE SOLANO COUNTY CODE ESTABLISHING BUSINESS LICENSE REQUIREMENTS

The Board of Supervisors of the County of Solano does hereby ordain as follows:

SECTION I.
Chapter 14 of the Solano County Code entitled "Licenses" is hereby repealed.

SECTION II.
Chapter 14 of the Solano County Code is hereby enacted to read as follows:

CHAPTER 14
Licenses

Section 14-100. License Required.
It shall be unlawful for any person or persons, whether as principal, clerk, servant, agent or employee, to engage in, conduct or carry on within the County and outside the limits of incorporated cities situated in the county, any business or occupation for the sale of any goods, wares, merchandise, foods, drinks, commodities, or any services of any nature whatsoever, without first having, upon written application, procured a license so to do from the Tax Collector of this county in accordance with the provisions of this chapter or any other ordinance of the county. All agricultural or viticultural products or the products of a stock, dairy, or poultry farm shall be exempt from the requirements of obtaining a business license under this Ordinance unless all or a part of the products sold are not grown or produced on the premises.

Section 14-200. Definitions.
The words and phrases set forth below are herein defined for the purposes of this chapter.

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Section 14-205. "Person." Includes a firm, association, business, trust, corporation, partnership or cooperative carrying on the business for which a license must first be procured. Acts done by a clerk, agent, servant, representative, or employee of a person are included in the license as it is the intent herein to license the business, and not separate acts which constitute integral or related parts of the business.

Section 14-210. "Fixed Place of Business." Fixed place of business is the place regularly kept open by the person at a fixed location for conducting business with the public, and includes a residence from which a business is conducted pursuant to a use permit.

Section 14-220. "Tax Collector." Tax collector means the Tax Collector of Solano County or his authorized representative.

Section 14-225. "Fire Warden." Fire warden means the Solano County Fire Warden or his authorized representative.

Section 14-230. "Public Health Department." "Public Health Department means the Solano County Director of Environmental Health or his authorized representative.

Section 14-235. "Planning Department." Planning department means the Solano County Planning Department Director, or his authorized representative in building inspections or zoning.

Section 14-240. "Sheriff." Sheriff means the Solano County Sheriff or his authorized representative.

Section 14-245. "Vending Machine." Vending machine is any machine, apparatus or device used or intended to be used for selling food, gum, cigarettes, or beverages.

Section 14-250. "Coin-Operated Amusement Device." Coin-operated amusement device is any machine, apparatus, or device operated by deposit of a coin, slug, or other medium of payment, and shall include any automatic, mechanical, or wire music machine, mechanical or electronic toys or games, miniature
billiard or pool tables, or other amusement devices.

Section 14-255. "Building Codes." Building codes mean the Uniform Building, Fire and Plumbing Codes and the National Electrical Code as adopted by Solano County, and Chapters 6, 10, 12, and 21 respectively of the Solano County Code, and all amendments thereto.

Section 14-260. "Zoning Ordinance." Zoning ordinance means the Zoning Ordinance of Solano County and Chapter 28 of the Solano County Code and all amendments thereto.

Section 14-265. "Services" Services means those services which are performed or offered and produce an average gross income of $250 per month for the service provider and include:

(a) Any act of assistance or benefit, any work or labor, or any installation, maintenance or repair of real or personal property, whether or not performed in conjunction with the sale of goods, materials or property; or

(b) Any act of personal service, including theatrical and other forms of entertainment.

Section 14-270. "Peddler's Business." Peddler's business shall mean a business to be conducted by a person on a temporary or seasonal basis, who does not have a permanent local business address in the county.

Section 14-300. Application.

Section 14-310. Application Form.

Application for a business license, including a seasonal business license, shall be submitted to the Tax Collector on a form approved by the Solano County Board of Supervisors and shall be accompanied by a non-refundable one-time application fee as set forth in Section 14-600. The application form shall be either printed or typewritten. The Tax Collector may waive all fees for non-profit corporations or associations, the disabled, handicapped or elderly.
Section 14-330. Branch Business.

A separate application must be prepared and a separate license must be obtained for each branch establishment, place of business, or separate house located in the county. Where more than one business is conducted in the same building, a separate application must be prepared and a separate license must be obtained for each business under separate ownership.

Section 14-360. Peddler's Business License.

A person proposing to conduct a peddler's business shall file an application with the Tax Collector to include a description and license number of all vehicles to be used, as well as name, physical description, permanent and local address, and adequate identification of all persons acting as agents for such peddler's business, which will be accompanied by an application fee as set forth in Section 14-600.

Section 14-390. Vending Machines and Coin-Operated Amusement Devices.

Every person who owns, leases, or rents any vending machine or coin-operated amusement device, or both, to be installed and operated in the county, shall submit an application for a business license accompanied by a fee as set forth in Section 14-600. Additionally, the business license application shall have attached thereto a list of all such devices and machines by type, manufacturer, and serial number. A separate fee for the licensing of the machines and devices shall be submitted, as set forth in Section 14-630.

Section 14-400. Processing Applications.

Upon receipt of a business license application, the Tax Collector shall verify that the application form contains all the necessary information and is accompanied by the proper application fee. The Tax Collector shall return to the applicant any incomplete form or any form unaccompanied by the proper
application fee, and shall note thereon the reason for return.

The Tax Collector shall refer properly completed applications to the Sheriff, Planning Department, Public Health Department, and Fire Warden for their review and processing. The processing of applications may take up to 90 days.

Section 14-410. Processing by Sheriff.

The Sheriff shall conduct a background investigation to determine whether the applicant has ever been convicted of any offense requiring registration under provisions of Penal Code §§ 290, 311, 314, 315, 316, or 318, Health and Safety Code Section 11590, or any offense involving the use of force and violence on the person of another that amounts to a felony.

Each applicant shall be fingerprinted by the Sheriff as part of the background investigation. Each applicant shall be responsible for the payment of the statutory fee for such fingerprinting services, in addition to any fees payable as provided in this Ordinance.

Section 14-420. Processing by Planning Department.

The Planning Department shall review the application and proposed business site for conformity of the proposed business with the existing zoning regulations and for compliance by the applicant with existing building codes. No business shall commence operation until an occupancy permit has been issued by the Planning Department.

Section 14-430. Processing by Public Health Department.

The Public Health Department shall review the application and proposed business site for compliance with all local health laws, regulations, and inspections. A Public Health Department permit shall be required for all establishments which propose to dispense food or drink. Such a permit shall be obtained prior to issuance of the business license and opening for business.
Section 14-440. Processing by Fire Warden.

The Fire Warden shall review the application and proposed business site for compliance with provisions of the Uniform Fire Code. A business license shall not be issued until all conditions and requirements imposed by the Fire Warden have been certified by the Fire Warden as completed or corrected.

Section 14-500. Issuance of Business License.

Upon review and approval by the reviewing departments set forth in Section 14-400 above, a license will be issued by the Tax Collector and shall be good for one year from the date issued.

At the discretion of the Tax Collector, a temporary business license may be issued for a period not to exceed ninety (90) days. A temporary business license will be issued to an applicant who has obtained all of the necessary departmental approvals on his application, required by this Ordinance, and is only awaiting completion of the fingerprint check by the Sheriff. The 90-day term of the temporary license shall be included in the one-year duration period of the license.

Section 14-520. Unlawful Business.

No license issued pursuant to this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business.

Section 14-550. Renewal of Business License.

The license issued shall be renewed annually, prior to the expiration date of the license. No new application shall be required for the renewal of a valid license, providing the licensee is conducting business at the same location, unless such license has previously been revoked, pursuant to Section 14-700. The renewal of the license shall be accompanied by submission of a license renewal request, on a form approved by the board of supervisors, accompanied by a renewal fee as set
forth in Section 14-610. The failure to renew a license
within sixty (60) days of the annual expiration date shall
require the licensee to file a new application and application
fee before a new valid license will be issued.

Section 14-560. Transfer of License.
No license issued pursuant to this chapter shall be
transferred to another person or location.

Section 14-600. Application Fee.
There shall be a nonrefundable, one-time fee, in such
amount as is determined by the Board of Supervisors by resolu-
tion, for processing each business license application.

Section 14-610. License Fee.
Prior to the issuance of a license under this Ordinance,
there shall be paid by the applicant a license fee in such
amount as is determined by the Board of Supervisors by resolu-
tion. Additionally, there shall be required an annual renewal
fee for a business license, in such amount as is determined by
the Board of Supervisors, by resolution.

Section 14-630. Vending Machine and Coin-Operated
Amusement Device Fees.
In addition to the application and annual renewal fees,
the owner, lessor, or renter of any vending machine or coin-
operated amusement device shall pay an annual fee, in such
amount as is determined by the Board of Supervisors, by resolu-
tion, for each machine or device. There shall be issued a
separate license, in the form of a decal, for each such machine
or device, to be prominently affixed thereto at all times.

Section 14-700. Revocation of License.
A license issued in accordance with the provisions of
this chapter shall be revocable at any time by the Tax Collector
upon proof, to the satisfaction of the Tax Collector, that
such business is not being operated in accordance with health,
building, zoning, or fire regulations, 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; provided, that no license shall be revoked except upon notice to the licensee that such licensee is in violation of provisions of this chapter, and that the Tax Collector will hold a hearing on the complaint and proposed revocation. Notice shall be in writing and served, either personally or mailed, through the United States post office facilities, to the business or home address of the applicant or applicants as revealed in the application. The notice shall indicate the nature of the complaint, the date, time and place of the hearing, and the fact that at the time of hearing the licensee may offer evidence in his behalf. The hearing shall be held within a reasonable time, usually not less than ten (10) days after personal service or mailing of the notice to the applicant or applicants.

Licenses may be revoked without notice and prior hearing if, in the judgment of the Tax Collector, the continuance of the business activity impairs the public health, safety, and welfare. In such a circumstance, the Tax Collector will provide notice of revocation as set forth above on the day of revocation and provide an opportunity for a hearing at the request of the applicant within two (2) business days after receipt of such request for hearing.

Section 14-800. Appeal.

Any person aggrieved by any decision of the Tax Collector with respect to the issuance or refusal to issue, or the renewal or revocation of a license, may appeal to the Board of Supervisors by filing a written notice of appeal with the Tax Collector within fifteen (15) days of such decision. The
decision of the Tax Collector shall not be stayed, pending hearing of the appeal, except when the Tax Collector has determined that:

(1) The issue on appeal relates to the interpretation of this Ordinance, necessitating the review by the Board of Supervisors; and

(2) That the revocation is not related to a revocation based upon considerations of public health, safety, and welfare.

The Board of Supervisors shall fix a time and place for such appeal and the Tax Collector shall give notice in writing to the aggrieved party of the time and place of the hearing by serving it personally or depositing it in the United States mail addressed to the person at the address appearing on his last application or license. The finding of the Board of Supervisors shall be final and conclusive, and shall be served upon the person in the manner set forth above, for service of notice.

SECTION III

This Ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Independent News, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

ATTEST:

JOHN S. BLACKLOCK
Clerk of the Board of Supervisors

By
Deputy Clerk

JOHN R. HEWITT, Chairman
Board of Supervisors
I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting held Aug 24, 1982.

On motion of Supervisor Brand, Seconded by Supervisor Cunningham, this Ordinance was adopted at a regular meeting of said Board on Aug 31, 1982, by the following vote:

AYES: SUPERVISORS: Brand Cunningham

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: Hamilton, Davis

WITNESS my hand and the Seal of said Board this 31 day of Aug, 1982.

JOHN S. BLACKLOCK, Clerk of the Board of Supervisors

By /s/ Deputy Clerk