ORDINANCE NO. 1417

AN ORDINANCE REPUBLISHING CHAPTER 14
OF THE SOLANO COUNTY CODE ENTITLED
LICENSES

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Chapter 14 of the Solano County Code entitled "Licenses" is hereby republished, to read as follows:

CHAPTER 14.

LICENSES. ¹

§ 14-10. License required.
§ 14-14. Peddler's business license.
§ 14-16. Vending machines and coin operated amusement devices.
§ 14-17. Processing application.
§ 14-19. Same—Environmental management.
§ 14-20. Same—Fire protection district.
§ 14-22. Unlawful business.
§ 14-23. Renewal of business license.
§ 14-24. Transfer of license.
§ 14-25. Application fee.
§ 14-26. License fee.
§ 14-27. Vending machine and coin-operated amusement device fee.
§ 14-29. Appeal.

Sec. 14-10. License required.
It is unlawful for any person or persons, whether as principal, clerk, servant, agent or employee, to engage in, conduct

¹ For state law as to licensing of businesses by counties, see B. & P. Code, §§ 16100 and 16104. As to licenses for circuses, rodeos, etc., see §§ 3-23, 3-24 of this Code. As to permits for public dances, see §§ 3-26 to 3-29. As to dog licenses, see §§ 4-425 to 4-429. As to permits for auctioneers, see §§ 5-9 to 5-16.
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/county clerk 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 chapter unless all or a part of the products sold are not grown or produced on the premises. (Ord. No. 1168, § 2.)

The words and phrases set forth in this section are herein defined for the purposes of this chapter. (Ord. No. 1168, § 2.)
(a) Building codes means the Uniform Building, Fire and Plumbing Codes and the National Electrical Code as adopted by Solano County, and chapter 6.5 of this Code, and all amendments thereto. (Ord. No. 1168, § 2.)
(b) Coin-operated amusement device means 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. (Ord. No. 1168, § 2.)
(c) Department of environmental management means the Solano county director of environmental management or the director's authorized representative for building inspections, health and sanitation inspections, and zoning administration. (Ord. No. 1168, § 2; Ord. No. 1272, § 1.)
(d) Fire district means the existing fire districts in Solano County. (Ord. No. 1168, § 2; Ord. No. 1323, § 1.)
(e) Fixed place of business means 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. (Ord. No. 1168, § 2.)
(f) Peddler's business means 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. (Ord. No. 1168, § 2.)
(g) Person means and 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 act which constitute integral or related parts of the business. (Ord. No. 1168, § 2.)
(h) Transportation department means the Solano County director of transportation or the director's authorized representative. (Ord. No. 1194, § 2.)
(i) Services means those services which are performed or offered and produce an average gross income of two hundred fifty dollars per month for the service provider and include:
(1) Any act of assistance or benefit, any worker 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

(2) Any act of personal service, including theatrical and other forms of entertainment. (Ord. No. 1168, § 2.)

(j) **Sheriff** means the Solano County sheriff or the sheriff's authorized representative. (Ord. No. 1168, § 2.)

(k) **Subdivision ordinance** means the subdivision ordinance of Solano County and chapter 26 of the Solano County Code and all amendments thereto. (Ord. No. 1194, § 3.)

(l) **Tax collector/county clerk** means the tax collector/county clerk of Solano County or that officer's authorized representative. (Ord. No. 1168, § 2.)

(m) **Vending machine** means any machine, apparatus or device used or intended to be used for selling goods, gum, cigarettes or beverages. (Ord. No. 1168, § 2.)

(n) **Zoning ordinance** means the zoning ordinance of Solano County and chapter 28 of this code and all amendments thereto. (Ord. No. 1168, § 2.)

Sec. 14-12. Application form.

Application for a business license, including a seasonal business license, shall be submitted to the tax collector/county clerk on a form approved by the board of supervisors and shall be accompanied by a nonrefundable one-time application fee as set forth in section 14-25. The application form shall be either printed or typewritten. The tax collector/county clerk may waive all fees for nonprofit corporations or associations, the disabled, handicapped or elderly. The tax collector/county clerk shall issue free of charge or cost a license to any veteran, honorably discharged from the military service of the United States, for the purposes of that veteran's hawking, peddling or vending any goods, wares or merchandise owned by the veteran, except liquor, beer or wine. (Ord. No. 1168, § 2; Ord. No. 1206, § 1.)


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 unincorporated area of 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. (Ord. No. 1168, § 2.)

Sec. 14-14. Peddler's business license.

A person proposing to conduct a peddler's business shall file an application with the tax collector/county clerk 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 14-25. (Ord. No. 1168, § 2.)

Pursuant to provisions of California Business and Professions Code section 16102, any soldier, sailor, airman or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from such service shall receive, upon application, a peddler's license to hawk, peddle and vend any goods, wares or merchandise owned by the veteran, except spiritous, malt, vinous or other intoxicating liquor. This peddler's license shall be issued at no cost to the veteran. The board of supervisors delegates to the tax collector/county clerk the responsibility for determining the eligibility for and the issuance of a free peddler's license to eligible veterans. (Ord. No. 1229, § 1.)

Sec. 14-16. Vending machine 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 14-25. 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 14-27. (Ord. No. 1168, § 2.)

Sec. 14-17. Processing application.

(a) 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.

(b) The tax collector/county clerk shall refer properly completed applications to the sheriff, department of environmental management and fire protection district for their review and processing. (Ord. No. 1168, § 2; Ord. No. 1272, § 3.)


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 sections 290, 311, 314, 315, 316 or 318, or 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. (Ord. No. 1168, § 2; Ord. No. 1272, § 4.)

Sec. 14-19. Same—Environmental management.

The department of environmental management shall review the application and proposed business site for conformity of the proposed business with the existing zoning and subdivision regulations and for compliance with existing building codes and local health laws, regulations and inspections. No license shall be issued until the application has been approved by the department
of environmental management and until an occupancy permit and where necessary a permit to dispense food or drink has been issued. (Ord. No 1168, § 2; Ord. No. 1194, § 4; Ord. No. 1272, § 5.)

Sec. 14-20. Same--Fire protection district.
   The fire protection district in which the proposed business is to be located, acting through its chief or other designated agent 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 protection district have been certified by the district as completed or corrected. (Ord. No. 1168, § 2; Ord. No. 1323, § 2.)

   Upon review and approval by the reviewing departments set forth in section 14-20, a license will be issued by the tax collector and shall be good for one year from the date issued. (Ord. No. 1168, § 2; Ord. No. 1272, § 8.)

Sec. 14-22. Unlawful business.
   No license issued pursuant to this chapter shall be construed as authorizing the conduct or continuance of any illegal business. (Ord. No. 1168, § 2.)

Sec. 14-23. 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 14-28. 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 14-26. The failure to renew a license within sixty 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. (Ord. No. 1168, § 2.)

Sec. 14-24. Transfer of license.
   No license issued pursuant to this chapter shall be transferred to another person or location. (Ord. No. 1168, § 2.)

Sec. 14-25. Application fee.
   There shall be a nonrefundable, one-time fee, in such amount as is determined by the board of supervisors by resolution, for processing each business license application. (Ord. No. 1168, § 2.)

Sec. 14-26. License fee.
   Prior to the issuance of a license under this chapter, there shall be paid by the applicant a license fee in such amount as is
determined by the board of supervisors by resolution. 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. (Ord. No. 1168, § 2.)

Sec. 14-27. Vending machine and coin-operated amusement device fee.

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 resolution, 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. (Ord. No. 1168, § 2.)


(a) A license issued in accordance with the provisions of this chapter shall be revocable at any time by the tax collector/county clerk upon proof, to the satisfaction of the tax collector/county clerk, 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/county clerk 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 the applicant's behalf. The hearing shall be held within a reasonable time, usually not less that ten days after personal service or mailing of the notice to the applicant or applicants.

(b) Licenses may be revoked without notice and prior to any hearing if, in the judgment of the tax collector/county clerk, the continuance of the business activity impairs the public health, safety or welfare. In such a circumstance, the tax collector/county clerk will provide notice of revocation as set forth in subsection (a) of this section on the day of revocation and provide an opportunity for a hearing at the request of the applicant within two business days after receipt of such request for hearing. (Ord. No. 1168, § 2.)

Sec. 14-29. Appeal.

(a) 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 the appeal with the tax collector/county clerk within fifteen days of such decision. The decision of the tax collector/county clerk shall not be stayed pending hearing of
the appeal, except when the tax collector/county clerk has determined that:

1. The issue on appeal relates to the interpretation of this chapter, 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 or welfare.

(b) the board of supervisors shall fix a time and place for such appeal and the tax collector/county clerk 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 the licensee's or applicant's 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. (Ord. No. 1168, § 2.)

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, 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.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LEE SIMMONS, Chairwoman of the Board of Supervisors

LINDA L. TERRA, Clerk of the Board of Supervisors
I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 28th day of January, 1992.

On the motion of Supervisor Caddle and the second of Supervisor Carroll, this Ordinance was adopted at a regular meeting of said Board on the 11th day of February, 1992, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll, Stewart and Chairwoman Simmons

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: Davis

WITNESS my hand and Seal of said Board this 11th day of February, 1992.

LINDA L. TERRA, Clerk of the Board of Supervisors

By Linda L. Terra