AN ORDINANCE REPEALING CHAPTER 14 OF THE SOLANO COUNTY CODE ENTITLED LICENSES, ADDING A NEW CHAPTER 14 TO THE SOLANO COUNTY CODE ENTITLED BUSINESS LICENSES, REPEALING CHAPTER 14.3 OF THE SOLANO COUNTY CODE ENTITLED MASSAGE ESTABLISHMENT, ADDING A NEW CHAPTER 14.3 TO THE SOLANO COUNTY CODE ENTITLED MASSAGE PERMITS, AND ADDING SECTION 24 TO CHAPTER 18 OF THE SOLANO COUNTY CODE REGULATING THE OPERATION OF BUSINESSES ON SOLANO COUNTY PROPERTY

Whereas, revisions to the Solano County Code related to business licenses are necessary in order to transfer the business licensing function to the Department of Resources Management, revise review, renewal and appeal process for business licenses, clarify definitions and exemptions, and solidify enforcement of business license regulations; and

Whereas, revisions to the Solano County Code related to massage permits are necessary to clarify definitions related to massage permits, make permits valid for one year, more clearly set forth the application requirements for a permit, eliminate duplication of the revisions to Chapter 14, and make other clarifying changes; and

Whereas, an addition to the Chapter 18 of the Solano County Code is necessary in order to regulate businesses operating on property owned by Solano County.

The Solano County Board of Supervisors ordains as follows:

Section 1. Chapter 14 of the Solano County Code is repealed in its entirety.

Section 2. Chapter 14 is added, and is entitled “Business Licenses.”

Section 3. Chapter 14, sections 14-10 through 14-33 is added to read:

Sec. 14-10. Business license required
Unless exempt from license requirements, it is unlawful for any person or persons, to engage in, conduct, maintain or carry on outside the limits of incorporated cities 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 to do so from the business licensing officer of this county in accordance with the provisions of this chapter or any other ordinance of the county. (Ord. No. 1168, § 2.)
Sec. 14-11. Definitions

As used in this chapter:

(a) Agricultural business means a business undertaken by an agricultural producer in the production of products of cultivation of the soil and its fruits and raising and harvesting crops or products or the rearing, feeding, and management of livestock, or for any business extending service to an agricultural producer which service is normally accomplished by the producer in the production of agricultural products.

(b) Building codes means the Uniform Building, Fire and Plumbing Codes and the National Electrical Code as adopted by Solano County, and chapter 6.3 of this Code, and all amendments to it. (Ord. No. 1168, § 2.)

(c) Business means any trade, manufacturer, profession, occupation or service of all and every kind, whether or not carried on for profit or for charitable, philanthropic, or other purposes, including the arrangement of business transactions, holding of sales or training meetings and administrative conferences, the receipt of customer or client payments and the keeping of records and accounts pertaining to a business.

Business does not mean: (1) Apartments, rooming houses, duplexes or other residential facilities in which living units are rented or leased for a term of 30 days or longer; (2) Churches to the extent that the use is for worship, religious education, or social affairs primarily for members of the religious group (this exception does not extend to other activities not undertaken primarily for members of the religious group such as day schools and social services programs); (3) Offices, stores or other facilities maintained without paid employees by a non-profit public benefit corporation.

(d) Business Licensing Officer means the Solano County Department of Resources Management.

(e) 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.)

(f) Department of Agriculture means the combined office of the Solano County Agricultural Commissioner - Sealer of Weights and Measures as defined in section 2-70 of the Solano County Code, or authorized representative for regulation of agriculture as described in Food & Agriculture Code § 227 et seq.

(g) Fire protection districts means the existing fire protection districts in Solano County. (Ord. No. 1168, § 2; Ord. No. 1323, § 1.)
(h) **Peddler's business** means a business that does not have a permanent local business address in the county, and either (1) offers merchandise for sale along the street or from door to door, or (2) deals in or promotes something intangible, such as a personal asset or an idea. (Ord. No. 1168, § 2.)

(i) **Place of business** means a place regularly operating at a fixed location for conducting business, or any other place from which any business operations are conducted on a regular basis, including overnight storage of vehicles and/or other equipment used for conducting the business. For purposes of this Chapter, "place of business" also includes a residence from which a business is conducted pursuant to a use permit. (Ord. No. 1168, § 2.)

(j) **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 to license the business, and not separate acts which constitute integral or related parts of the business. (Ord. No. 1168, § 2.)

(k) **Department of Resources Management** means the Solano County Director of Resources Management or the director's authorized representative for building inspections, health and sanitation inspections, and zoning administration.

(l) **Service Provider** means a provider of non-agricultural services which are performed or offered within the unincorporated area of the county where the service provider does not have a fixed place of business within the unincorporated area of the county, and include, but may not be limited to:

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 personal care (i.e., nails, facials), photography, music or other forms of entertainment, but specifically excluding massage. (Ord. No. 1168, § 2.)

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

(n) **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.)

(o) **Viticultural products** means products related to the cultivation of grapes, especially for wine making
(p) **Zoning ordinance** means the zoning ordinance of Solano County and chapter 28 of this code and all amendments to it. (Ord. No. 1168, § 2.)

**Sec. 14-12. Application form**

Application for a business license, including a seasonal business license, shall be submitted to the business licensing officer on a form adopted by the business licensing officer, and shall be accompanied by a nonrefundable application fee as set forth in section 14-19. The application form shall be either printed or typewritten. (Ord. No. 1168, § 2; Ord. No. 1206, § 1.)

**Sec. 14-13. 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 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 business licensing officer 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 14-19. (Ord. No. 1168, § 2.)

**Sec. 14-15. Peddler's business license for veterans**

Pursuant to provisions of California Business and Professions Code section 16102, any member of the United States armed forces who has received an honorable discharge or a release from active duty under honorable conditions from such service shall receive, upon application and meeting all other eligibility requirements provided by this Code, a peddler's license to peddle and sell any goods, wares or merchandise owned by the veteran, except spirits, malt, wine or other intoxicating liquor. This peddler's license shall be issued at no cost to the veteran. The board of supervisors delegates to the business licensing officer 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 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 14-19. 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 14-29. (Ord. No. 1168, § 2.)

Sec. 14-17. Exemptions
(a) Any person otherwise required by this chapter to obtain a business license and who has filed an application for a business license with the business licensing officer accompanied by the appropriate fee shall be exempt from the licensing requirements of this chapter until an order of the business licensing officer granting or denying the license has become final.

(b) A service provider who does not have a fixed place of business in the unincorporated area of the county, and who has a valid business license issued by any city or county within the State of California is exempt from this chapter.

(c) All agricultural or viticultural businesses that produce agricultural commodities including feedstock, nursery stock, produce, livestock, dairy or poultry (or their products) shall be exempt from the requirements of obtaining a business license under this chapter unless any of the products sold are not grown or produced by the business on the premises within Solano County which is controlled by the producer. Agricultural businesses engaged exclusively in wholesale are exempt from a business license requirement.

Sec. 14-18. Processing application
(a) Upon receipt of a business license application, the business licensing officer shall verify that the application form contains all the necessary information and is accompanied by the proper application fee, where applicable. The business licensing officer shall return to the applicant any incomplete form or any form unaccompanied by the proper application fee and shall note the reason for return.

(b) The business licensing officer shall refer properly completed applications to the sheriff, assessor, agriculture department and fire protection district for information and/or review. Each department reviewing a business license application shall provide the business licensing officer with a recommendation of approval or rejection of the business license application within thirty (30) days of that department’s receipt of the application. For good cause, a department reviewing a business license application may request an extension of time of up to thirty (30) days to complete a business license review.
(c) No business license may be issued unless an approval or waiver has been received from each reviewing agency, as set forth in subdivision (b).

(d) The business licensing officer shall issue a grant or denial of a business license application within ninety (90) days of receipt of an application. (Ord. No. 1168, § 2; Ord. No. 1272, § 3.)

Sec. 14-19. Application fee
(a) The business licensing officer shall collect a non-refundable fee to cover the actual cost of processing the business license application by the business licensing officer and other reviewing departments. The business licensing officer shall not collect fees for other business related approvals, such as processing fingerprints, operating permits, land use permits, or fire inspections. Any such costs shall be paid by the business license applicant directly to the appropriate agency.

(b) County processing fees shall be determined by the board of supervisors.

(c) The business licensing officer may, in his/her sole discretion, waive the application fees for nonprofit corporations or associations. (Ord. No. 1168, § 2.)

Sec. 14-20. Review—Sheriff
All applications and renewal notices shall be reviewed by the sheriff to determine whether the applicant is subject to disqualification based on the criteria set forth in Business and Professions Code section 480(a), and any amendments to it. (Ord. No. 1168, § 2; Ord. No. 1272, § 4; Ord. No. 1599)

Sec. 14-21. Review—Department of Resources Management
All applications and renewal notices shall be reviewed by the department of resources management to ensure that the proposed business is in conformity with the existing zoning and subdivision regulations and is in compliance with applicable building codes and federal, state and local health laws, regulations and inspections. Business license applications for massage establishments will also be reviewed for compliance with the requirements of Chapter 14.3 section 14.3-26 of this Code. (Ord. No 1168, § 2; Ord. No. 1194, § 4; Ord. No. 1272, § 5.)

Sec. 14-22. Review—Fire protection district
Applications and renewal notices as agreed to between the department of resources management and the appropriate fire protection district shall be reviewed to ensure that the business site is in compliance with applicable provisions of the Uniform Fire Code. (Ord. No. 1168, § 2; Ord. No. 1323, § 2.)

Sec. 14-23. Review—Agriculture Department
All applications and renewal notices shall be forwarded to the agriculture department for review and comment on agriculture-related businesses.
Sec. 14-24. Issuance of business license
Upon review and approval by the department of resources management, sheriff, fire protection district and the agricultural commissioner, as set forth in this chapter, a license will be issued by the business licensing officer and shall be good for one year from the date issued. (Ord. No. 1168, § 2; Ord. No. 1272, § 8; Ord. No. 1599)

Sec. 14-25. Transfer of license
No license issued pursuant to this chapter shall be transferred to another person or location. (Ord. No. 1168, § 2.)

Sec. 14-26. Unlawful business--Compliance with other permit/license requirements
No license issued pursuant to this chapter shall be construed as authorizing the conduct or continuance of any illegal business. The issuance of a business license shall not constitute evidence of a business' compliance with any law, rule or regulation, nor does the issuance of a business license excuse any requirement to obtain other permits or licenses required by this Code or by the laws of the state. (Ord. No. 1168, § 2.)

Sec. 14-27. Renewal of business license
(a) All business licenses issued must be renewed annually, prior to the expiration date of the license. No new application shall be required for the renewal of a valid license, provided that the following conditions apply:

(1) The business address or ownership of the business has not changed since the business license was issued or last renewed.

(2) The operator of the business has not changed since the business license was issued or last renewed.

(3) The location of the business has not changed since the business license was issued or last renewed.

(4) The number of the employees for the business has not increased since the business license was issued or last renewed.

(5) The amount of public traffic to the business has not increased since the business license was issued or last renewed.

(6) The volume of the business has not increased since the business license was issued or last renewed.

(7) The amount of chemicals or other hazardous materials stored at the place of business registered on the business license has not changed since the
business license was issued or last renewed, or the business has not started storing chemicals or hazardous materials at the licensed business location since the license was issued or last renewed.

(8) The business owner has not been convicted of a crime other than an infraction or traffic violation since the business license was issued or last renewed.

(b) The renewal of the license shall be accompanied by submission of a completed Solano County Business License Renewal Notice, Business Owner Questionnaire and Declaration, on a form adopted by the business licensing officer, accompanied by a renewal fee as set forth in section 14-28. If a business license is not renewed before it lapses, the business license applicant shall be assessed a delinquent fee of double the amount of the renewal fee.

(c) If a business license is not renewed within sixty (60) days after the expiration date, the licensee shall be required to file a new application and submit application fees, as required by this chapter. The application shall be processed as a new business license, and subject to all applicable reviews required by this chapter. (Ord. No. 1168, § 2.)

Sec. 14-28. Renewal fee
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. 14-29. Vending machines and coin-operated amusement devices 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 to it at all times. (Ord. No. 1168, § 2.)

Sec. 14-30. Revocation of license
(a) A license issued in accordance with the provisions of this chapter shall be revocable at any time by the business licensing officer upon proof, to the satisfaction of the business licensing officer, 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.

(b) Prior to the revocation of any license, the business licensing officer shall provide notice to the licensee that such licensee is in violation of provisions of
this chapter, and that the business licensing officer 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 set forth 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, but not less than ten (10) days after personal service or fifteen
(15) days after mailing of the notice to the applicant or applicants.

(c) Licenses may be revoked without notice and prior to any hearing if, in the
judgment of the business licensing officer, the continuance of the business
activity impairs the public health, safety or welfare. In such a circumstance, the
business licensing officer will provide notice of revocation as set forth in
subdivision (b) on the day of revocation and provide an opportunity for a hearing
at the request of the applicant. A hearing requested by the applicant as set forth
in this section shall be conducted within ten (10) business days after receipt of
such request for hearing. (Ord. No. 1168, § 2.)

Sec. 14-31. Finality of decision
Any decision of the business licensing officer to grant or deny an application,
grant or deny a renewal, or to revoke a business license, shall be in writing and
shall be delivered by mail to the applicant. Any such decision shall become final
on the fifteenth (15th) day following such mailing, unless the person aggrieved by
the decision files an appeal as prescribed by section 14-32 of this chapter.

Sec. 14-32. Appeal
(a) Any person aggrieved by any decision of the business licensing officer
with respect to the issuance or refusal to issue, the renewal or denial of a
renewal, or revocation of a license, may appeal to the board of supervisors by
filing a written notice of the appeal setting forth the specific grounds for the
appeal with the business licensing officer. Any appeal must be filed within fifteen
(15) days of the mailing of notice of such decision. The decision of the business
licensing officer shall not be stayed pending hearing of the appeal, except when
the business licensing officer 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 business licensing officer 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 hearing shall be set to be heard by the county board of supervisors within sixty (60) days of receipt of the appeal, unless the applicant and the county stipulate to extend the time for hearing.

(c) At the hearing regarding an initial application, the applicant shall bear the burden of proof. At the hearing upon a renewal or revocation, the business licensing officer shall bear the burden of proof.

(d) 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. (Ord. No. 1168, § 2; Ord. No. 1417, § 1.)

Sec. 14-33. Penalties/Enforcement
(a) A violation of this ordinance constitutes an unfair or unlawful business practice as defined by California Business and Professions Code section 17200 et seq.

(b) Any person who operates a business within the unincorporated areas of the county in violation of this chapter shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for a period not to exceed six months, or by a fine not exceeding one thousand dollars, or by both.

(c) Violations of this ordinance may be prosecuted criminally or civilly at the sole discretion of the district attorney.

Section 4. Chapter 14.3 of the Solano County Code is repealed in its entirety.

Section 5. Chapter 14.3 is added, and is entitled “Massage Permits.”

Section 6. Chapter 14.3, sections 14.3-10 through 14.3-31 is added to read:

Sec. 14.3-10. Declaration of policy
It is declared that the business of operating massage establishments and performing massage services is a business affecting the public health, safety and general welfare. (Ord. No. 896, § 1.)

Sec. 14.3-11. Definitions
As used in this chapter:

(a) Massage means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice.
(b) **Massage establishment** means (1) any establishment having a place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on, any of the activities mentioned in subdivision (a) or (2) any establishment engaging in or carrying on, or permitting to be conducted or carried on, any business of giving Turkish, Russian, vapor, sweat, electric, salt, magnetic or other kind or character of baths other than tub baths.

(c) **Massage technician** means any person who, for any consideration whatsoever, engages in the practice of massage.

(d) **Employee** means all persons, other than the massage technician, who renders any service to the permittee, who receives compensation directly from the permittee, and who have no physical contact with the customer or client.

(e) **Person** means any individual, partnership, corporation, association or other group, however organized. (Ord. No. 896, § 2.)

(f) **Operator** means any person who owns or operates a massage establishment.

(g) **Sheriff** means the Solano County Sheriff or the sheriff’s authorized representative.

**Sec. 14.3-12. Exceptions**

(a) The provisions of this chapter shall not be construed as applying to any physician, surgeon, chiropractor, osteopath, nurse or technician working under the supervision of a physician, surgeon, chiropractor or osteopath licensed to practice their respective professions in the state; nor shall it apply to any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice such art or profession under the Business and Professions Code of the state.

(b) The provisions of this chapter shall not be construed as applying to any barber or cosmetologist licensed under the Business and Professions Code performing barbering or cosmetology services. (Ord. No. 896, § 3.)

**Sec. 14.3-13. Zoning requirements**

A massage establishment which is created and operated in accordance with the provisions of this chapter shall be located only in those portions of the county wherein permitted by applicable zoning. (Ord. No. 896, § 4.)

**Sec. 14.3-14. Permits--Required**

(a) **Operator's permit.** An operator must obtain a valid permit from the sheriff.
(b) **Massage technician permit**

(1) No person shall act as a massage technician without first obtaining a valid massage technician permit from the sheriff.

(2) No operator shall employ a person as a massage technician without first verifying that the technician holds a valid massage technician permit. Every operator shall maintain legible copies of the permits of all massage technicians employed at the place of business, which shall be available for inspection by the sheriff during regular business hours. (Ord. No. 896, § 5.)

(c) **Validity.** All permits issued pursuant to this chapter shall be valid for a period of one year from the date of issuance.

**Sec. 14.3-15. Application--Fees**

(a) Persons desiring to obtain an operator's permit to operate a massage establishment shall make application to the sheriff and pay a nonrefundable fee, made payable to the county, in an amount set by resolution of the board of supervisors to defray in part the cost of investigation by the sheriff.

(b) Persons desiring to obtain a massage technician permit shall make application to the sheriff and pay a nonrefundable fee, made payable to the county in an amount set by resolution by the board of supervisors, to defray in part the cost of investigation by the sheriff. A massage technician permit does not authorize the operation of a massage establishment. Any person possessing a valid massage technician permit, who desires to operate a massage establishment must apply for a separate operator's permit. (Ord. No. 896, § 16.)

**Sec. 14.3-16. Contents of Application**

(a) All applicants for permit, whether as operator or technician, shall submit the following information:

(1) The full name, and present residence address and telephone number of applicant.

(2) Two previous residence addresses immediately prior to the present address of applicant, and the dates of residence at each.

(3) Applicant's birth date, place of birth, proof of age over 18 years, height, weight, color of eyes and hair, citizenship, social security number and drivers license number.

(4) Applicant's employment history for the past five (5) years.

(5) Applicant's license and/or permit history, including whether such person in previously operating in this or another city or state under license has had license
revoked or suspended, and the reason, and the business activity or occupation subsequent to such action of suspension or revocation.

(6) Applicant's criminal history.

(7) A recent photograph, passport size (2x2).

(8) In the case of any applicant actually performing massage services, the following additional information is required:

(A) A certificate from a medical doctor stating that the applicant has, within thirty days immediately prior thereto, been examined and found to be free of any contagious or communicable disease.

(B) A certificate of graduation from a licensed school of massage which offers a course of at least seventy hours, with a curriculum that includes, but is not limited to massage theory and techniques, anatomy and physiology, hygiene and professional ethics where the entire course shall have been taught under the direct supervision of a licensed instructor. (Ord. No. 896, §17.)

(b) If an applicant for an operator permit is a partnership, all partners actively participating in the operation of the establishment will provide the data required under subdivision (a) for purposes of a background check.

(c) If an applicant for an operator permit is a corporation or association, each officer, director and each shareholder actively engaged in the operation of the establishment shall provide the data required under subsection (a) through (h) above, as applicable, for purposes of a background check.

(d) All applicants shall submit to being fingerprinted by the sheriff for purposes of background check.

Sec. 14.3-17. Nontransferable
Permits issued pursuant to this chapter are not transferable. (Ord. No. 896, § 14.)

Sec. 14.3-18. Investigation of applicant
(a) The sheriff shall conduct an investigation of applicant, and may issue a massage permit within thirty days following application, unless any of the conditions listed in section 14.13-19 are found.

Sec. 14.3-19. Issuance
The sheriff shall review the application and investigation report and shall issue the permit, unless it finds any of the following to be true:

(a) That any of the information on the application has been knowingly falsified with intent to deceive.
(b) That the premises and/or the conduct of activities on the premises are detrimental to the public health, safety or general welfare.

(c) That the applicant or any person closely connected with the operation or management of any establishment has been convicted of:

(1) An offense involving conduct which requires registration pursuant to section 290 of the Penal Code.

(2) A violation of sections 266i, 315, 316, 318, or subdivision (b) of section 647 of the Penal Code.

(3) Any felony offense involving the sale of a controlled substance specified in sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code.

Sec. 14.3-20. Business license requirement
Any person or entity obtaining an operator's permit, and all massage technicians operating as independent contractors, must obtain a business license as required by Chapter 14.

Sec. 14.3-21. Renewal
All permits issued under this chapter must be renewed annually. A renewal fee set by resolution of the board of supervisors shall be submitted by the applicant to the sheriff, along with a renewal application form, adopted by the sheriff.

Sec. 14.3-22. Display
All permits issued pursuant to this chapter, shall be displayed in a conspicuous place so that they may be readily seen by persons entering a massage establishment. An operator or technician without a fixed place of business must be able to produce a valid permit for review upon request by any customer at the time of rendering services, or any law enforcement agency. (Ord. No. 896, § 6.)

Sec. 14.3-23. Revocation or suspension
(a) A massage permit may be revoked for any of the following reasons:

(1) The holder of the permit has violated any of the provisions of this chapter.

(2) The holder of the permit has been convicted of offenses set forth in subdivision (b) of section 14.3-19.

(3) For other good cause as determined in the discretion of the sheriff.

(b) No permit shall be revoked or suspended until after a hearing has been held before the sheriff to determine whether there is sufficient cause for such revocation or suspension, except as provided in subdivision (c) below. Notice of such hearing
shall be given at least five (5) days prior to the date of the hearing. The notice shall state the grounds of the complaint against the holder of such permit, or against the business carried on by the permittee at the massage establishment and shall state the time and place where such hearing will be held. The hearing shall be held within thirty (30) days, or as soon thereafter as agreed to by both parties. Upon revocation, the permit, and any other applicable business license, shall be surrendered to the County (Ord. No. 896, § 21.)

(c) A permit may be suspended or revoked without notice if, in the discretion of the sheriff, it is determined that continuance of the permit impairs the public health, safety or welfare. In such a circumstance, the sheriff will provide notice of revocation or suspension and provide an opportunity for a hearing at the request of the permit holder. A hearing requested by the applicant as set forth in this section shall be conducted by the sheriff within five (5) business days after receipt of such request for hearing.

(d) Notice shall be served upon the permit holder by delivering it to such person, or by leaving the notice at the place of business or residence of the permit holder, in the custody of a person eighteen years of age, or older. In the event the permit holder cannot be found and the service of the notice cannot be made in the manner provided, a copy of the notice shall be mailed, postage fully prepaid, addressed to the permit holder’s place of business or residence at least five (5) days prior to the date of the hearing.

Sec. 14.3-24. Appeal
Any person aggrieved by a decision of the sheriff may appeal that decision by filing written notice of such appeal and the grounds with the clerk of the board of supervisors within fifteen (15) days after the notice of decision of the sheriff is given by mail or personal delivery. Upon receipt of the appeal, the matter shall be set to be heard by the board of supervisors within sixty days of receipt of the appeal, unless the applicant and the county stipulate to extend the hearing date. No rights shall be exercised under any permit until the board of supervisors renders its decision. (Ord. No. 896, § 20.)

Sec. 14.3-25. Name of business
No person subject to the provisions of this chapter shall operate under any name or conduct business under any designation not specified in the permit. (Ord. No. 896, § 9.)

Sec. 14.3-26. Facility requirements
All massage establishments shall comply with the following requirements:

(a) A recognizable and legible sign shall be posted at the main entrance identifying the premises as a massage establishment.
(b) Lighting shall be provided in accordance with the Building Code and, in addition, at least ten (10) foot candles of light as measured thirty (30) inches above the floor shall be provided in each room or enclosure where massage services are performed on individuals.

(c) Mechanical ventilation shall be provided for each enclosure or room.

(d) Provisions for sanitizing equipment, instruments, towels and linens shall be in place.

(e) Closed cabinets shall be utilized for the storage of clean linen.

(f) Bathing, dressing, locker and toilet facilities shall be provided for patrons. If male and female patrons are to be served simultaneously, separate massage rooms, bathing, dressing, locker and toilet facilities shall be provided for male and female patrons. A minimum of one locking type cabinet shall be provided for each patron to be served.

(g) All walls, ceilings, floors, pools, showers, bath tubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Surfaces of walls and floors shall be smooth and shall be constructed of materials which are impervious to water. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bath tubs shall be thoroughly cleaned and sanitized after each use. Whenever necessary in order to insure proper maintenance, floor drains shall be installed.

(h) Clean and sanitary towels and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted.

(i) All employees and massage technicians shall wear clean, non-transparent outer garments whose use is restricted to the massage establishment.

(j) No service described as "massage" shall be carried on in any room or area in any massage establishment which is fitted with a door capable of being locked; except, that doors leading to the outside of a building may be locked for security purposes, providing there is no violation of state or county safety rules and regulations. No room or area in any massage establishment shall be fitted with any device commonly referred to as a "one-way mirror."

(k) All massage technicians or employees shall, at all times while engaged in the activities described as massage, or any employment related to it, wear affixed to their outer garment, a suitable name tag, upon which is ascribed their full name as it appears on the permit.

(l) Comply with all applicable building codes. (Ord. No. 896, § 7.)
Sec. 14.3-27. Display of list of services and costs
Every holder of an operator permit shall cause to be displayed, in a conspicuous place readily seen by persons entering the premises where services are being performed, a list of services and the cost of such services provided by the massage establishment or operator. Any services rendered which are not listed, may be grounds for revocation or suspension of the operator permit and/or the massage technician's permit. (Ord. No. 896, § 10.)

Sec. 14.3-28. Inspections—Establishment
(a) Every person operating a massage establishment shall permit those officials charged with the enforcement of the provisions of this chapter to make inspections at any time the establishment is open for business, in order to verify compliance with the provisions of this chapter.

(b) No holder of a permit shall allow communication devices to be installed or used in any manner on the premises so as to interfere with or hinder inspections by law enforcement officials. (Ord. No. 896, § 10.)

Sec. 14.3-29. Employees
(a) Every holder of an operator permit, or any employer of persons purporting to act as massage technicians, shall have the responsibility to insure that each person employed as a massage technician has a valid permit pursuant to this chapter.

(b) Every holder of an operator permit shall exercise close supervision over the acts of massage technicians or other persons employed on the premises. The acts of massage technicians or other employees, when in violation of this chapter or any condition of a permit issued hereunder, may constitute grounds for revocation or suspension of the operator permit. (Ord. No. 896, § 12.)

Sec. 14.3-30. Change of location
A change of location from the described premises shall require approval of the county, and shall be subject to compliance with all ordinances and regulations of the county, and all other applicable laws. A change of location fee, in an amount set by resolution of the board of supervisors, shall be deposited with the Department of Resource Management. (Ord. No. 896, § 15.)

Sec. 14.3-31. Violations and penalties
(a) Any violation of any of the provisions of this chapter is a misdemeanor and is punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for a period not to exceed six months, or both.

(b) In the alternative, the district attorney may make application to the superior court for an injunction or any other appropriate order restraining conduct wherein any person carries on or attempts to carry on a massage establishment, or wherein any person attempts to be a massage technician in violation of this chapter. This
section shall be cumulative, and shall not prohibit the enforcement of any other applicable law.

(c) The proceedings under this section shall be governed by chapter 3 (commencing with section 525) of Title 7 of Part 2 of the Code of Civil Procedure; except, that no undertaking shall be required and the district attorney shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

(d) Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and constitutes a public nuisance. (Ord. No. 896, § 22; Ord. No. 1392, § 1.)

Section 7. Chapter 18 of the Solano County Code is amended to add Section 24 to Article I, to read as follows:

Sec. 18-24. Businesses operating on county property

(a) There shall be no use of county property for any business purpose or exclusive use without a written lease, license, agreement or permit from the Solano County Board of Supervisors or its authorized agent, separate and apart from the business license required by Chapter 14 of the Solano County Code.

(b) Any person who uses county property in violation of subdivision (a) is guilty of a misdemeanor, and any property placed by the person upon county property shall be subject to removal at the person's expense.

Section 8. Any portion of this Ordinance deemed invalid or unenforceable shall be severed from the remainder, which shall remain in full force and effect.

Section 9. This ordinance shall take effect thirty (30) days after its passage. However, there shall be an amnesty period for compliance with Chapter 14 of the County Code through January 1, 2005.

Section 10. This ordinance shall be published once within fifteen (15) days after its passage, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.
Passed and adopted by the Solano County Board of Supervisors at its regular meeting on June 8, 2004 by the following vote:

AYES: Supervisors Forney, Kondylis, Kromm, and Chairman Silva

NOES: Supervisors None

EXCUSED: Supervisors Vasquez

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

By: [Signature]

Introduced: May 25, 2004
Adopted: June 8, 2004
Effective: July 8, 2004

John F. Silva, Chairman
Solano County Board of Supervisors
Passed and adopted by the Solano County Board of Supervisors at its regular meeting on
June 22, 2004, by the following vote:

AYES: Supervisors Forney, Kondylis, Krom, Vasquez, and Chairman Silva
NOES: Supervisors None
EXCUSED: Supervisors None

ATTEST:
Michael Johnson, Clerk
of the Board of Supervisors

By: Maggie Jimenez, Deputy Clerk

Exhibit A: Location map illustrating the subject property along with the proposed zoning