



CITY OF ENCINITAS
 Planning & Building Department
 505 S. Vulcan Ave
 Encinitas, CA 92024
www.encinitasca.gov
Phone: 760-633-2708
Email: permits@encinitasca.gov

SOLICITOR PERMIT APPLICATION

A Solicitor permit is required for anyone selling goods or services or offering coupons, handbills or any type of item which in turn is redeemable for goods. Each solicitor going door-to-door to a home or dwelling must wear a City issued identification card, and is limited to soliciting between the hours of 9AM-6PM.

Each applicant must complete a Background Application, an Authorization To Release Information Form and a Live Scan.

Solicitation is prohibited on public right-of-way in non-residential zones

Approved permits are valid for one year and are not transferable to another location or to another person. A change in location or ownership requires a new application.

A renewal permit application must be submitted each year along with appropriate fees. All fees associated with this application are non-refundable.

<u>Fees:</u>	<u>New Application</u>	<u>Renewal Application</u>
Application Fee	\$165	\$106
Business Registration	\$36	\$21 (renewal, \$36 if expired)
Photo ID Card (door-to-door sales)	\$86 per person	\$86 per person
Live Scan	\$49 per person	
Background Check	\$86 per person	

Information Attached

- Application Packet
- Encinitas Municipal Code & San Diego County Code of Regulatory Ordinances

How To Apply

Complete and submit the following documents with appropriate fees:

New Application

- Solicitor Permit Application
- Background Application
- Authorization To Release Information
- Proof of Ownership/Permission From Owner
- Site Plan
- Driver's License (or government issued ID)
- Live Scan – completed
- Headshot Photo (can be .jpg)
- Health Permit (if applicable)
- Business Registration Application

Renewal Application

- Solicitor Permit Application
- Background Application
- Authorization To Release Information
- Proof of Ownership/Permission From Owner
- Site Plan
- Driver's License (or government issued ID)
- Headshot Photo (can be .jpg)
- Health Permit (if applicable)
- Current Business Registration Number

Payments can be made by mail (check only), in person at City Hall (cash check or credit card) or by email permits@encinitasca.gov (credit card only – a staff member will contact you for credit card details). Checks are payable to City of Encinitas.

Please allow a minimum four weeks processing time due to background checks and departmental reviews associated with this permit.



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SOLICITOR PERMIT APPLICATION

COMPANY INFORMATION: (Check box for contact preference: email, phone, mail.)

Company: Name: _____ DBA: _____

Contact Person: First: _____ Middle: _____ Last: _____

Email: _____

Phone: Mobile: _____ Business: _____

Business Address: _____

City: _____ State: _____ Zip: _____

COMPANY OWNER: (Check box for contact preference: email, home phone, etc.)

Name: First: _____ Middle: _____ Last: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Are you the sole owner of this business? Yes No*

*If no, each partner/business associate must complete a **Background Application and Authorization to Release Information form.**

APPLICANT: Same as COMPANY OWNER (Check box for contact preference: email, home phone, etc.)

Company Name: _____ Business Phone: _____

Name: First: _____ Middle: _____ Last: _____

Company Name: _____ Business Phone: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

PROPERTY OWNER: Same as COMPANY OWNER (Check box for contact preference: email, home phone, etc.)

Company Name: _____ Business Phone: _____

Name: First: _____ Middle: _____ Last: _____

Email: _____ Home Phone: _____ Mobile Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of Articles to be sold or Services to be Offered: _____

Solicitation Location: _____

Date Beginning: _____ Date Ending: _____

Days of the Week (circle all that apply): M T W Th F Sa Su

Are you selling beverages or food? Yes* No

*If yes, attach a copy of Health Department permit.

Solicitation Methods (check all that apply):

- | | | | |
|--|---------------------------------------|--|------------------------------------|
| <input type="checkbox"/> Door to Door (9AM-6PM only) | <input type="checkbox"/> Mail | <input type="checkbox"/> Temporary Stand | <input type="checkbox"/> Phone |
| <input type="checkbox"/> Personal Approach | <input type="checkbox"/> Door Hangers | <input type="checkbox"/> Volunteers | <input type="checkbox"/> Pamphlets |

I hereby certify under penalty of perjury that the statements made in this application are true and correct to the best of my knowledge. I understand any false statements or information are grounds for denial of this application or revocation of the permit. I acknowledge I will adhere to the conditions as stated on the permit. Any misuse of privileges or multiple complaints received by the City may constitute violations of this permit resulting in fines and/or revocation of the permit.

Applicant Signature: _____ Date: _____

Company Owner Signature: _____ Date: _____



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BACKGROUND APPLICATION SHERIFF REGULATED PERMIT

Each owner, officer, partner, manager, affiliate with vested interest in the business or any type of Solicitor must complete a Background Application.

Type of permit applied for: _____

Affiliation with Business (circle one): Owner Officer Partner Manager Other: _____

Name: First: _____ Middle: _____ Last: _____

All other names used (past and present, including maiden name): _____

Date of Birth: _____ Place of Birth (City, State): _____ Circle One: M F

Height: _____ Weight: _____ Hair Color: _____ Eye Color _____

Driver's License (State, Number): _____ Social Security Number: _____

Previous Residences (last 5 years):

Address: _____

City: _____ State: _____ Zip: _____

Have you applied for a similar permit in any jurisdiction in the past five years?

If yes, where: _____

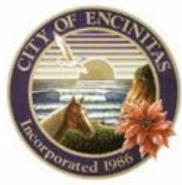
List all charges (misdemeanors & felonies) resulting in conviction or plea of nolo contendere:

DATE	CHARGE	INVESTIGATING AGENCY	DISPOSITION

I hereby certify under penalty of perjury that the statements made in this application are true and correct to the best of my knowledge. I understand any false statements or information are grounds for denial of this application or revocation of the permit. I acknowledge I will adhere to the conditions as stated on the permit. Any misuse of privileges or multiple complaints received by the City may constitute violations of this permit resulting in fines and/or revocation of the permit.

Applicant Signature: _____

Date: _____



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AUTHORIZATION TO RELEASE INFORMATION SHERIFF REGULATED PERMIT

Each owner, officer, partner, manager, affiliate with vested interest in the business or any type of Solicitor must complete an Authorization to Release Information.

Name: First: _____ Middle: _____ Last: _____

Driver's License (State, Number): _____ Social Security Number: _____

As an applicant for a business permit/license from the San Diego Sheriff's Department, I am required to furnish information for use in determining my qualifications. In this connection, I authorize the disclosure and release of any and all truthful information that you may have concerning me, including, but not limited to, employment records, personnel files, background investigation files, disciplinary records, complaints or grievances filed by or against me, training files, arrest, criminal, probation and driving records, military, academic or other records.

I direct you to release this information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the San Diego County Sheriff's Department.

I understand I will not receive and am not entitled to know the contents of confidential reports received and I further understand that these reports are privileged.

I hereby release you, your organization, their agents and representatives, and any person furnishing information, from any and all liability and/or damage that may result from furnishing the above information. A photocopy of this release is to be considered as valid as an original. This release will expire one (1) year after the date signed.

I hereby certify under penalty of perjury that the statements made in this application are true and correct to the best of my knowledge. I understand any false statements or information are grounds for denial of this application or revocation of the permit. I acknowledge I will adhere to the conditions as stated on the permit. Any misuse of privileges or multiple complaints received by the City may constitute violations of this permit resulting in fines and/or revocation of the permit.

Applicant Signature: _____

Date: _____



REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

A0526

ORI (Code assigned by DOJ)

Authorized Applicant Type

License/Cert/Permit

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

City of Encinitas

07197

Agency Authorized to Receive Criminal Record Information

Mail Code (five-digit code assigned by DOJ)

505 S. Vulcan Ave.

Jodene Dunphy

Street Address or P.O. Box

Contact Name (mandatory for all school submissions)

Encinitas

CA 92024

(760) 633-2708

City

State ZIP Code

Contact Telephone Number

Applicant Information:

Last Name

First Name Middle Initial Suffix

Other Name (AKA or Alias) Last

First Suffix

Date of Birth Sex Male Female

Driver's License Number

Height Weight Eye Color Hair Color

Billing Number 110014
(Agency Billing Number)

Place of Birth (State or Country) Social Security Number

Misc. Number
(Other Identification Number)

Home Address Street Address or P.O. Box

City State ZIP Code

Your Number: _____
OCA Number (Agency Identifying Number)

Level of Service: DOJ FBI

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City State ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency LSID

ATI Number Amount Collected/Billed



Live Scan Fingerprinting

What is live scan fingerprinting? Live Scan is an electronic capture of your fingerprints. They are sent to the DOJ and or the FBI for a background check and the results are sent to this agency. It is a requirement prior to being employed or volunteering. Please visit the location below to complete this process:

COASTAL LIVE SCAN

144 West "D" Street
Encinitas, Ca 92024
Ph. (760) 230-1830

Website: www.coastallivescan.com

Email: info@coastallivescan.com

Directions: 5 Freeway and exit Encinitas Blvd. Head WEST toward Coast Hwy. Make a LEFT on Coast Hwy then make next RIGHT on "D" Street. Our building will be on the RIGHT side, Look for door 144-c. Free parking is available.

Hours: Monday -Friday 10:00am—5:00pm
1:30pm— 2:30pm (closed for lunch)

Walk in Basis; No appointment necessary

What to bring:

1. Request for Live Scan Form (prefilled)
2. Valid Photo ID (Driver's License, State ID or Military ID).
3. We Accept: Cash, Check, Visa, MasterCard.



Coastal
Live Scan
& Insurance
Services, Inc.



CITY OF ENCINITAS

City Clerk's Department

505 S. Vulcan Ave, Encinitas, CA 92024

Contact: 760-633-2606 or clerkstaff@encinitasca.gov

Instructions & Information: www.encinitasca.gov/clerk

BUSINESS REGISTRATION APPLICATION

\$36 Processing Fee (\$35 Business Registration Fee + \$1 SB1186 State Mandated Fee)

The City of Encinitas does not have a business "license" program. The Business Registration is used in lieu of a licensing program.

Annual renewals are \$21 (\$20 business registration fee + \$1 SB1186 State Mandated Fee)

***If using a DBA, a Fictitious Name Statement must be filed with the County Clerk, PRIOR to applying for a Business Registration.**

Company Name:			
Company Type (choose one):	Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Trust <input type="checkbox"/>		
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Business Email Address:			
Business Phone:			
Business Description:			
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>		
*DBA (Fictitious Name):			
Is this a Home Based Business?	Y / N		
Is this Business a Rental Booth?	Y / N		
EIN # (If Applicable):	_____ - _____		
Date Business Opened (Mo/Yr):			
Web Page Address:			
Is Business a Non-Profit 501(c)(3)?	Y / N	# of Employees working in Encinitas:	
Mailing address, if different from business location:			
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Business Owner Contact Info			
First Name:			
Middle Name:			
Last Name:			
Title:			
Email Address:			
Business Phone:			
Home Phone:			
Mobile Phone:			
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>		
Street Address:			
City:			
State:		County (if outside San Diego):	
Zip Code:			
Additional Owner/Agent Contact Info			
First Name:			
Middle Name:			
Last Name:			
Title:			
Email Address:			
Mobile Phone:			
Business Phone:			
Home Phone:			

Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>
Street Address:	
City:	
State:	County (if outside San Diego):
Zip Code:	
Choose one:	Business Owner <input type="checkbox"/> Authorized Agent <input type="checkbox"/>
24 Hour Emergency Contact Info (for businesses located in Encinitas)	
Same as Business Owner <input type="checkbox"/> Same as Additional Owner/Agent <input type="checkbox"/>	
First Name:	
Middle Name:	
Last Name:	
Title:	
Email Address:	
Business Phone:	
Home Phone:	
Mobile Phone:	
Contact Preference (choose one):	Email <input type="checkbox"/> Mail <input type="checkbox"/>
Street Address:	
City:	
State:	County (if outside San Diego):
Zip Code:	

HOME OCCUPATIONS

If your business is located in a residential area in the City of Encinitas, it is considered to be a Home Based Business and shall be permitted in compliance with the following conditions:

1. There shall be no exterior evidence of the conduct of a home occupation out of character with the normally appropriate appearance of the dwelling.
2. A home occupation shall be conducted entirely within a dwelling or a garage.
3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling shall be prohibited.
4. Only the residents of the dwelling unit may be engaged in the home occupation except by temporary minor use permits.
5. There shall be no on-premise sale of goods not produced on the premises.
6. The establishment and conduct of the home occupation shall not change the principal character or use of the dwelling unit involved.
7. There shall be no signs other than those permitted by the sign ordinance (Municipal Code 30.60).
8. The required residential off street parking shall be maintained.
9. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.

SB1186 Mandated Fee: On September 19, 2012 Governor Brown signed into law SB-1186 which adds a state fee of \$1 on any applicant for a local business license or similar instrument or permit, or renewal thereof. The purpose is to increase disability access and compliance with construction-related accessibility requirements and to develop educational resources for businesses in order to facilitate compliance with federal and state disability laws, as specified.

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

- The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx
- The California Department of Rehabilitation at www.rehab.cahwnet.gov
- The California Commission on Disability Access at www.cdda.ca.gov

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT, AND THAT ALL REQUIRED LICENSES ARE IN FULL FORCE AND EFFECT.

The issuance of a certificate does not serve as verification that all regulatory provisions of the City of Encinitas have been met, nor does it allow the right to operate a business which is not in conformance with the regulatory provisions of the City, County, State or other applicable agency.

Signature of Owner or Agent: _____

Date: _____

Encinitas Municipal Code

Title 6 OPERATIONS PERMITS

Chapter 6.52 NON-CHARITABLE SOLICITATIONS

6.52.010 Purpose.

- A. It is the purpose of this chapter to subject non-charitable solicitation activity to reasonable regulations designed to protect the public health, safety and welfare.
- B. It is unlawful for any person to commence, conduct, manage, participate in, advertise or sponsor a non-charitable solicitation activity regulated by this chapter without first having obtained an Operations Permit: Non-Charitable Solicitations.
- C. Notwithstanding the provisions of this chapter, proposed activities shall be subject to Zoning Regulations and Coastal Development Requirements, pursuant to Title 30 of this Code. (Ord. 90-31; Ord. 94-06)

6.52.020 Definitions.

“House or dwelling” means any structure or building which has walls on all sides and is covered by a roof and which is intended for transient or permanent residential use.

“Interviewer” means any person who goes to a house or upon any public place for interviewing persons or soliciting answers to questions for marketing research, opinion, research, attitude surveys or any other pool of information gathering services for compensation or other business enterprise. Interviewer does not include persons representing governmental entities, political parties, newspapers, radio or television stations, or persons circulating petitions for an initiative, referendum or other political purpose.

“Public place” means any place to which a member of the public may have access without trespassing.

“Solicitor” includes a peddler, hawker, transient dealer, sales person or other itinerate vendor, or an interviewer as defined in this chapter; or any person who sets up a temporary stand or goes to a house or dwelling or upon any public place for the purpose of selling services, or offers to sell, or selling by sample or take orders for, giveaway or otherwise dispose of any goods or anything of value, or who offers to distribute or delivers any coupons, certificate, handbill, ticket, token card, papers, circulars, chance coupon, magazine or other item which in turn is redeemable for goods.

6.52.030 Issuing Authority.

The City Clerk is the issuing authority for the Operations Permit: Non-Charitable Solicitations.

6.52.040 Application.

- A. An application shall be filed with the City’s issuing authority not less than 30 working days prior to the proposed date for the commencement of the solicitation activity.
- B. Upon the filing of the complete application, the issuing authority shall refer the application to the Sheriff’s Department for the conduct of a background investigation.

6.52.050 Regulations.

- A. A permit may be requested and issued for a maximum term of one year.
- B. No solicitor shall contact or attempt to contact any occupant of any house or dwelling whereat the owner or occupant of the house or dwelling has posted at the front of the house or dwelling, printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible from the normal entrance way to such house or dwelling, a sign or placard prohibiting such soliciting.
- C. No solicitor shall contact or attempt to contact any member of the public on any private, commercial property which is normally open to the general public whereat the owner or legal occupant thereof has posted at all entrances thereto, and printed with letters not less than one inch in height, and at a location which is unobstructed and clearly visible by all persons entering such property, a sign or placard prohibiting such soliciting.
- D. No solicitor shall contact or attempt to contact any occupant of any house or dwelling except between the hours of 9:00 a.m. and 6:00 p.m.
- E. No solicitor shall contact or attempt to contact any member of the public on the public right-of-way in nonresidential zones, or on any public park or beach.
- F. Failure to adhere to the above regulations is cause for revocation of solicitor permit of the individual and/or organization, company, etc., which is represented by the solicitor.
- G. Exemption to Time Limit of 9:00 a.m. to 6:00 p.m. “Seasonal” solicitors who have an established temporary seasonal business—i.e., pumpkin sales, Christmas tree sales—would be exempt from the time limits of operation, provided all conditions imposed by the Planning and Fire Departments have been met. (Ord. 2007-03; Ord. 2007-11)

6.52.060 Exemption from Permit Requirement.

This chapter shall not apply to:

- A. Students from an elementary school or a junior high school, or a high school, or public junior or community college, or public college or public university or any private educational institution listed in [Education Code](#) Section 29003 but only while such students are engaged in activity associated with academic or scholastic functions sponsored by and authorized by such schools;
- B. Wholesalers, their representatives, agents or employees calling upon retail businesses, nor to retail business when such sales are made in the regular course of business and at the established place of business;
- C. Sales by a farmer or rancher for products produced within San Diego County by such farmer or rancher at the established place of business of such farmer or rancher;
- D. An organization which is receiving governmental grant funds to be used for public or community purposes when holding an event less than four days in duration for the purpose of raising funds to supplement the governmental grant funds and to support the public or community purpose for which the grant funds were received;
- E. A newspaper or its employees; or
- F. A persons who sells only goods which he or she has personally handcrafted, provided:
 - 1. That such goods are offered for sale only at an event of less than four days in duration which is held for the purpose of raising funds to support public, or community purposes, and
 - 2. That person has not participated in such an event more than two times within that calendar year.

6.52.070 Exemptions from Fees.

The following applicants for a permit required by this chapter as described in this section shall be exempt from fees imposed pursuant to this chapter:

- A. Veterans of the Army, Navy, Marines or Air Force as defined in Section 16102 of the [Business and Professions Code](#) of the State of California. Before any such veteran shall be issued a permit hereunder, such veteran shall submit to the issuing authority proof of release from active duty under honorable conditions or an honorable discharge, or a certified copy thereof.
- B. Solicitors who are engaged exclusively in soliciting orders as an agent or representative of any person or persons engaged in interstate commerce which have their place or places of business outside of the State of California. Before any such agent or representative shall be issued a permit, he or she shall submit to the issuing authority satisfactory identification and interstate commerce credentials from the person represented.

CHAPTER 1. UNIFORM LICENSING PROCEDURE

SEC. 21.101. LICENSES, PERMITS AND REGISTRATION REQUIRED.

This chapter establishes a Uniform Licensing Procedure and only applies to the activities that require licenses, permits or registration under sections 21.102 and 21.103 unless this code provides that this chapter or any portion of this chapter regulates other activities. For purposes of this chapter "license" means a license, permit or registration and "licensee" means a licensee, permittee or registrant. No person other than an applicant for a license shall have any right to challenge a decision to grant, deny, suspend or revoke a license. It shall be unlawful for any person to engage in any activity listed in sections 21.102 and 21.103 within the unincorporated area of the County of San Diego:

- (a) Without first having obtained a license from the appropriate Issuing Officer as described below:
- (b) After a license required by this chapter has expired or been suspended or revoked;
- (c) Contrary to terms of the license issued pursuant to this chapter.

(Amended by Ord. No. 5307 (N.S.), effective 12-21-78; amended by Ord. No. 5493 (N.S.), effective 5-24-79; amended by Ord. No. 5931 (N.S.), effective 11-18-80; Ord. No. 5938 (N.S.), adopted 11-25-80, effective 12-25-80, supersedes Ord. No. 5931; amended by Ord. No. 6408 (N.S.), effective 8-26-82; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9420 (N.S.), effective 2-2-02; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.102. LICENSE REQUIRED FROM THE SHERIFF.

The following activities require a license for which the Sheriff is the Issuing Officer:

- (a) Amusement Establishment and Devices
- (b) Amusement Ride Centers/Go-Cart Centers
- (c) Bathhouses
- (d) Carnivals and Circuses
- (e) Casino Parties
- (f) Entertainment Establishments
- (g) Entertainment Managers
- (h) Firearms Dealers
- (i) Fortune Telling
- (j) Holistic Health Practitioners
- (k) Junk Yards and Motor Vehicle Wrecking Yards
- (l) Massage Establishments
- (m) Massage Technicians
- (n) Massage Technician Trainees
- (o) Medical Marijuana Operations Certificate
- (p) Merchandise Coupons

- (q) Off-Premises Massage
- (r) Outdoor Assemblies
- (s) Outdoor Assembly Managers
- (t) Pawnbrokers and Second Hand Dealers
- (u) Public Dances
- (v) Shooting Ranges
- (w) Solicitors
 - (1) License
 - (2) Identification Card
- (x) Swap Meets
- (y) Taxicab Operators and Taxicab Drivers
 - (1) Operator's License
 - (2) Driver's Identification Card
- (z) Teen-age Dances

(Amended by Ord. No. 5307 (N.S.), effective 12-21-78; amended by Ord. No. 5493 (N.S.), effective 5-24-79; amended by Ord. No. 5931 (N.S.), effective 11-18-80; Ord. No. 5938 (N.S.), adopted 11-25-80, effective 12-25-80, supersedes Ord. No. 5931; amended by Ord. No. 6408 (N.S.), effective 8-26-82; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9420 (N.S.), effective 2-2-02; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10102 (N.S.), effective 1-7-11; amended by Ord. No. 10120 (N.S.), effective 3-3-11)

SEC. 21.103. LICENSE REQUIRED FROM THE DEPARTMENT OF ANIMAL SERVICES.

The following activities require a license for which the Department of Animal Services is the Issuing Officer:

- (a) Kennels
- (b) Guard Dogs
 - (1) Operator's Permit
 - (2) Premises Permit

(Added by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.104. APPLICATION PROCEDURE.

An application for a license shall be submitted to the Issuing Officer on a form provided by the Issuing Officer. The application shall be accompanied by the appropriate application fee as provided in section 21.106 and shall not be accepted by the Issuing Officer until the fee is paid. The applicant, by submitting the application, consents to the investigation under section 21.107.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.105. NOT TRANSFERABLE.

No license shall be transferable from one person to another person or from one location to another location unless the license or permit provides it is transferable.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.106. COST OF INVESTIGATION AND FEES.

(a) The application fee for each license required by this chapter shall be an amount sufficient for the County to recover its costs to investigate and process the application, conduct an appeal hearing and all enforcement costs for regulating the activities in sections 21.102 and 21.103. The application fee is not refundable.

(b) The fees for licenses for which the Sheriff is the Issuing Officer are as provided in section 21.1901. The fees for licenses for which the Department of Animal Services is the Issuing Officer shall be established by resolution of the Board of Supervisors and shall be on file with the Clerk of the Board.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.107. APPLICATION INVESTIGATION.

(a) The Issuing Officer may investigate each application for a license required by this chapter to determine whether the applicant:

(1) Has completely and accurately furnished information on the application or in response to any other request for information made by the Issuing Officer or any other County employee or County department concerning the application.

(2) Meets all minimum age requirements under federal, State and County laws and regulations.

(3) Has been convicted of a crime. The Issuing Officer is authorized to obtain the applicant's fingerprints and transmit the fingerprints to the State Department of Justice and Federal Bureau of Investigation (FBI) to obtain the applicant's State and local federal criminal history information.

(4) Committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit the applicant or another person or to injure another person, or

(5) Committed an act involving moral turpitude.

(b) The Issuing Officer, as part of the investigation, may:

(1) Request that any person or public entity provide information the Issuing Officer deems relevant and necessary to investigate the application.

(2) Determine whether the location at which the applicant intends to conduct the proposed activity complies with all federal, State and County laws and regulations.

(3) Post for 10 days in a conspicuous place where the Issuing Officer conducts business a notice stating: (A) the name and address of the applicant, (B) the location(s) where the applicant intends to conduct the activity for which a license is required, (C) the type of license applied for, (D) whether the application is for a new license or request for renewal, (E) that any person may submit relevant information to the Issuing Officer in connection with the application and (F) that any information must be submitted to the Issuing Officer no later than five days from the last day the notice will be posted.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10120 (N.S.), effective 3-3-11)

SEC. 21.108. GROUNDS FOR DENIAL OR ISSUANCE OF NEW LICENSE.

(a) The Issuing Officer may deny a new license on any of the following grounds:

(1) Applicant does not meet the minimum age requirements established by federal, State or County law or regulation for the activity. If no other law or regulation provides for a minimum age, the minimum age is 18.

(2) The applicant or any person on the applicant's behalf has made any false statement of a material fact in the application or in any report or record the applicant is required to provide or maintain under this code; or

(3) The activity at the location proposed is prohibited by any federal, State or County law or regulation; or

(4) If less than five (5) years have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation/parole/post-release community supervision, the applicant has been convicted of any felony involving theft, fraud, violence, sex with a minor, sale of any controlled substance on Schedules I-V of the Health and Safety Code or any other felony involving moral turpitude. The applicant's conviction within five years of any of the above stated offenses shall be prima facie evidence of the applicant's unfitness for a license governed by this chapter. The applicant may present evidence of rehabilitation that the Issuing Officer or any hearing officer shall consider in determining the applicant's fitness for a license, but the applicant bears the burden of overcoming the presumption of unfitness resulting from the conviction.

(b) Except for an Entertainment Establishment License under sections 21.2101 et seq. the Issuing Officer may also deny a new license required by this chapter for the following additional grounds if the applicant:

(1) Within five years preceding the date of the application has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance or regulation reasonably and rationally related to the license they are applying for or any offense involving deceptive trade practices or other illegal business practices that cast doubt upon the applicant's qualifications, character or fitness to engage in the activity for which the license is requested; or

(2) Violated any ordinance or law regulating the activity for which applicant requests a license; or

(3) Fails to meet any State Law requirement for a license. If State Law precludes the Issuing Officer from applying any portion of paragraphs (b)(1) and/or (b)(2) above to the application process the Issuing Officer may only rely upon grounds not precluded by State Law.

(4) Suffers from alcoholism, drug addiction or any other physical or mental disorder, condition or disease that the Issuing Officer determines renders the applicant unfit to engage in the activity for which the applicant seeks a license.

(c) The Issuing Officer shall issue the license or notify the applicant within 30 days after the applicant filed a complete application that the license has been denied.

(Amended by Ord. No. 5290 (N.S.), effective 11-30-78; amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10312 (N.S.), effective 2-6-14)

SEC. 21.109. EXPIRATION AND RENEWAL.

(a) A license issued pursuant to this chapter shall expire one year from the date it is issued unless the license by its terms provides a different expiration date. A license may be renewed by filing a renewal application not more than 60 days and not less than 40 days prior to the expiration date. The Issuing Officer may deny renewal on the following grounds:

(1) Any of the grounds for denying a new license; or

(2) The licensee committed an illegal act, or allowed any of its agents or employees to commit an illegal act, while engaging in the activity for which the license was issued or used or allowed any agent or employee to use the license contrary to its terms; or

(3) The licensee failed or refused to surrender the license to the Issuing Officer after receiving notice the license was suspended or revoked; or

(4) State Law provides the applicant is not entitled to renew the license. If State Law precludes the Issuing Officer from applying paragraphs (2) or (3) the Issuing Officer may only rely upon grounds not precluded by State Law.

(b) The Issuing Officer shall issue the renewal license or notify the applicant within 30 days after the applicant filed a complete application that the renewal has been denied.

(Amended by Ord. No. 5290 (N.S.), effective 11-30-78; amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.110. NOTICE OF DENIAL AND STATEMENT OF APPEAL RIGHTS.

(a) If the Issuing Officer denies a new or renewal license other than an Entertainment Establishment License, the Issuing Officer shall give the applicant notice of the denial stating each finding the Issuing Officer relied upon for the denial and advising the applicant of the following appeal rights:

(1) The right to a hearing before the Issuing Officer to contest the denial, if within 21 days after the date of the notice the applicant makes a written request for a hearing to the Issuing Officer.

(2) At the hearing the applicant may present evidence and be represented by legal counsel.

(3) If the applicant fails to request a hearing within 21 days of the date of the notice the applicant waives all rights to contest the denial.

(4) If after the hearing before the Issuing Officer the hearing officer does not overturn the denial, the applicant has the right to appeal the Issuing Officer's decision to the Appellate Hearing Board, but only if the applicant appears at and completes the hearing before the Issuing Officer.

(b) If the Issuing Officer denies an Entertainment Establishment License the Issuing Officer shall give the applicant notice that states the decision is final and the applicant is entitled to prompt judicial review by a court of competent jurisdiction. The County hereby designates the denial of an Entertainment Establishment License under this section to be eligible for expedited judicial review pursuant to Code of Civil Procedure section 1094.8. If the applicant files an action for Administrative Mandamus under section 1094.8 to challenge the Issuing Officer's denial of the license, the Issuing Officer shall immediately issue the applicant a provisional license. The provisional license shall allow the applicant to engage in the activity and will expire upon the court's entry of a judgment on the applicant's appeal or other action to challenge the Issuing Officer's denial of the license. If the Issuing Officer determines that issuing a provisional license would threaten the health or safety of the public while judicial review is pending, the Issuing Officer shall not issue a provisional license.

(Amended by Ord. No. 5290 (N.S.), effective 11-30-78; amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.111. POSTING, DISPLAYING OR CARRYING LICENSE.

Any person issued a license under this chapter shall post, display or carry the license as follows:

(a) If the activity for which the license has been issued is at a fixed location the license shall be prominently posted at the location and a copy of the license shall be displayed in any vehicle used in connection with the activity.

(b) If the activity for which the license has been issued is conducted only from a vehicle the license shall be prominently displayed from the vehicle.

(c) If the activity is not conducted from a fixed location or vehicle the licensee shall carry the license at all times while conducting the activity and shall display the license to any person on request.

(d) No person shall post, display or carry any license after it has expired, been revoked or suspended.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.112. SUSPENSION OR REVOCATION.

(a) The Issuing Officer may suspend or revoke a license on the following grounds:

(1) The licensee committed any act which would be grounds to deny the license, or

(2) The licensee committed an illegal act, or allowed any of its agents or employees to commit an illegal act, while engaging in the activity for which the license was issued or used or allowed any agent or employee to use the license to its terms; or

(3) The licensee refused to allow an inspection pursuant to section 21.117 or other inspection authorized by this code or State law.

(b) If the Issuing Officer proposes to suspend or revoke a license the Issuing Officer shall give the licensee notice that states:

- (1) Whether the proposed action is to revoke or suspend the license and for suspension, the time period for the suspension,
- (2) The reasons why the Issuing Officer believes the license should be suspended or revoked,
- (3) The applicant has the right to a hearing before the Issuing Officer to contest the suspension or revocation of the license if within 21 days after the date of the notice the applicant makes a written request for a hearing to the Issuing Officer,
- (4) At the hearing the applicant may present evidence and be represented by legal counsel,
- (5) If the applicant fails to request the hearing within 21 days of the date of the notice the applicant waives all rights to contest the license revocation or suspension,
- (6) If after the hearing before the Issuing Officer the hearing officer does not overturn the decision to suspend or revoke the license the applicant has the right to appeal the Issuing Officer's decision to the Appellate Hearing Board, but only if the applicant appears at the hearing and completes the hearing before the Issuing Officer.

(c) If the Issuing Officer determines to suspend or revoke an Entertainment Establishment License the Issuing Officer shall give the applicant notice that the decision is final and the applicant is entitled to prompt judicial review. The County hereby designates the suspension or revocation of an Entertainment Establishment License under this section to be eligible for expedited judicial review pursuant to Code of Civil Procedure section 1094.8. If the applicant files an action for Administrative Mandamus under section 1094.8 to challenge the Issuing Officer's suspension or revocation of the license the Issuing Officer shall immediately issue the applicant a provisional license. The provisional license shall allow the applicant to engage in the activity and will expire upon the court's entry of a judgment on the applicant's appeal or other action to challenge the Issuing Officer's denial of the license. If the Issuing Officer determines that issuing a provisional license would threaten the health or safety of the public while judicial review is pending, the Issuing Officer shall not issue a provisional license.

(Amended by Ord. No. 5290 (N.S.), effective 11-30-78; amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.113. HEARINGS -- ISSUING OFFICER.

- (a) If the Issuing Officer receives a request for hearing after issuing a notice of denial pursuant to section 21.110 or a notice of intent to suspend or revoke a license pursuant to section 21.112 the Issuing Officer shall:
 - (1) Schedule a date for the hearing no more than 30 days and no less than 15 days after the Issuing Officer receives the request.
 - (2) Notify the appellant of the date, time and location of the hearing.
 - (3) State in the notice that the appellant must appear at and complete the hearing in order to contest the denial or the proposed suspension or revocation.
 - (4) Assign a member of the Issuing Officer's department to be the hearing officer who was not been involved in the investigation of the applicant, any decision to deny the license or any decision to suspend or revoke the license.
- (b) Once scheduled, the hearing shall not be continued except for good cause.
- (c) In cases where the license or permit was denied, the hearing officer shall determine whether the evidence establishes grounds to deny the license.
- (d) In cases where the Issuing Officer proposes to suspend or revoke the license the hearing officer shall determine:
 - (1) Whether the evidence establishes grounds for suspension or revocation.
 - (2) Whether a shorter period of suspension should be imposed rather than the time period the Issuing Officer proposed.
- (e) The hearing officer's decision shall be in writing. Within three days of the hearing the decision shall be provided to the appellant pursuant to the notice provisions of section 11.112 of this code. The decision may also be posted at the office of the Issuing Officer for five days. If the appellant failed to appear or failed to complete the hearing the decision shall state the appeal is denied and not appealable. Otherwise, the decision shall state:
 - (1) The hearing officer's findings of fact, conclusions and reasons for the decision,
 - (2) If the decision is adverse to the appellant it shall state that the appellant may appeal the decision to the Appellate Hearing

Board,

(3) If decision imposes a license suspension or revocation, it shall state the suspension or revocation will become effective 15 days after the date of the decision unless the appellant appeals the decision to the Appellate Hearing Board before the 15 days expire.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.114. STAY OF SUSPENSION OR REVOCATION.

The effect of a decision of the hearing officer to suspend or revoke a license shall be stayed while an appeal to the Appellate Hearing Board is pending or until the time for filing the appeal has expired. There shall be no stay of the effect of the decision of the hearing officer upholding the denial of any license.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.115. EXCEPTION TO HEARING PROCEDURE.

Notwithstanding any other provision of this code, when, in the opinion of the Issuing Officer, there is a clear and immediate threat to the safety and protection of the public, the Issuing Officer may suspend or revoke a license without a hearing. The Issuing Officer shall prepare a written notice of suspension or revocation which includes a statement of the action, a concise explanation of the reasons for the action, the code section(s) relied upon for the action and an explanation of the licensee's right to request a hearing from the Issuing Officer. The licensee may request a hearing from the Issuing Officer within five days of a notice that is personally served or within 10 days if the notice is sent by mail. The procedures in section 21.113 apply to this hearing except that the hearing shall be held not more than 15 days from the date the Issuing Officer receives the request for hearing decision and the Issuing Officer's decision shall not be stayed while the hearing or appeal is pending.

(Amended by Ord. No. 6879 (N.S.), effective 1-17-85; amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.116. APPEAL TO APPELLATE HEARING BOARD.

(a) A licensee who receives an adverse decision from a hearing officer pursuant to section 21.113(e)(2) has the right to appeal to the Appellate Hearing Board within 15 days of the date of the hearing officer's decision. The appellant shall file a timely written notice of appeal to the Clerk of the Board of Supervisors. The notice of appeal shall provide:

- (1) The name and address of the person filing the appeal,
- (2) The name of the hearing officer who issued the decision appealed from,
- (3) The date of the decision,
- (4) Whether the decision is from a denial or a suspension or revocation of a license,
- (5) The reasons why the appellant asserts the hearing officer's decision is erroneous.

(b) The Clerk of the Board will schedule a hearing under section 16.102.

(Amended by Ord. No. 7912 (N.S.), effective 6-27-91; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC 21.117. CONSENT TO COMPLIANCE INSPECTION.

Any person to whom a license is issued under this title consents to reasonable compliance inspections by the Issuing Officer or any Building, Fire or Health official with jurisdiction over the site where the activity is carried on. The compliance inspections may only be conducted during normal operating hours and are solely for the purpose of determining whether the activity is being carried on in compliance with federal, State and County laws, ordinances or regulations and to promote the public health and safety. Failure to allow the inspection under this section is grounds for suspension or revocation of the license.