

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTERS 6.00, 6.04, 6.08, 6.12, 6.20, 6.24, 6.32, 6.36, 6.40, AND 6.64 AND SECTION 6.16.010, REPEALING CHAPTER 6.44, AND ADDING CHAPTERS 6.75 AND 6.80 OF THE SAN LUIS OBISPO COUNTY CODE RELATING TO BUSINESS LICENSURE AND REGULATION**

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to modernize the County's business licensing regulations.

NOW THEREFORE, The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Chapter 6.00 (General Provision) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.00 GENERAL PROVISIONS**

6.00.005	Purpose of Business License
6.00.010	Deputies
6.00.020	Misdemeanor to engage in certain activity without a license.
6.00.030	License required outside of incorporated city.
6.00.040	Separate activities.
6.00.050	Activity confined to specified location.
6.00.060	Fictitious business names.
6.00.070	False statements.
6.00.080	Violation – Penalty
6.00.090	True names on reports.
6.00.100	Illegal occupations.
6.00.110	Land use regulations.
6.00.120	Interpretation.

**6.00.005 - Purpose of business license.**

The purpose of the county business license is to provide for necessary regulation of lawful businesses being conducted within the unincorporated area of the county, in the interest of the public health, safety, and welfare of the people of the county.

**6.00.010 - Deputies.**

Whenever, by the provisions of this title, a power is granted to a public officer or a duty imposed upon such officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

**6.00.020 - Misdemeanor to engage in designated activity without a license.**

Every person who engages in, conducts, manages, advertises, or carries on any business, exhibition, occupation, or other activity for which a license is required by this title, without first having procured a license to do so and having paid the fee, if any for such license as provided for in this title, is guilty of a misdemeanor. Each day that such activity continues without a license shall constitute a separate offense.

**6.00.030 - License required outside of incorporated city.**

A license shall be procured before the advertisement, continuance, or commencement of any business, occupation, exhibition, or activity for which this title requires a license from the tax collector of this county. The license shall authorize the party obtaining the same to transact the business or engage in the activity described in such license for the period named therein in the county, excepting agricultural or vini-cultural products or the products of any stock, dairy, or poultry farm when sold by the producer of such products. Nothing contained in this title shall be deemed to regulate or impose a license upon any business, exhibition, occupation, or activity carried on within the boundaries of any incorporated city.

**6.00.040 - Separate activities.**

If a person engages in, conducts, manages, advertises, or carries on at the same time more than one of the natures of business regulated by this title, while engaging in, conducting, managing, or carrying on each such nature of business separately and apart from the others, the annual fees charged shall be as follows:

(a) If the applicant requests a single license to be displayed at a single location, the total fee for all natures covered by the single license issued at the same time and to the same person, at any one location shall be equal to the fee for that nature of business requiring the highest license fee.

(b) If the applicant requests separate licenses for each nature of business conducted, even if each business is conducted or carried on at the same location by the same person, each nature of business that has a separately issued license shall be charged the full annual fee for that nature of business.

**6.00.050 - Activity confined to location specified.**

When a license specifies the location of the activity licensed, the licensee may conduct such activity only at the location specified in the license.

**6.00.060 - Fictitious business names.**

(a) A license may be issued pursuant to this title to a corporation duly authorized to transact business in this state, or to a person operating under a fictitious name who has complied with all of the provisions of Section 17900 et seq. of the California Business

and Professions Code. Otherwise, all such licenses shall be issued in the true name of the applicant or applicants.

(b) Except as provided in subsection (a) of this section, no business so licensed may operate under any false or fictitious name.

(c) A license issued to a corporation shall designate such corporation by the exact name that appears in the articles of incorporation of such corporation.

**6.00.070 - False statements.**

Every person who makes any false statement in any application for a license or identification card under this title, or in any report required by this title, is guilty of a misdemeanor.

**6.00.080 - Violation—Penalty.**

Any person violating any of the provisions of this title or of any regulation imposed pursuant thereto is guilty of a misdemeanor punishable by a fine or imprisonment not to exceed the limits pursuant to Section 25132 of the California Government Code. Each such person is guilty of a separate offense for every day during any portion of which any violation of any of the provisions of this title or of any such regulation is committed, continued, or permitted by such person, and shall be punished for each separate offense as provided by this title.

**6.00.090 - True names on reports.**

Every person making out any report or record required by the terms of this title or any copy thereof shall sign his or her true name and provide their true name and correct address.

**6.00.100 - Illegal occupations.**

A license granted pursuant to this ordinance does not permit any occupation or activity of any kind that is prohibited by the ordinance codified in this chapter, or any other ordinance of the County of San Luis Obispo, or by any law or regulation of the State of California.

**6.00.110 - Land use regulations.**

The tax collector shall not issue any license to carry on any business at a specific location where such business is inconsistent with the land use regulations of the county contained in the land use ordinances, Titles 22 and 23 of this code.

**6.00.120 - Interpretation.**

This title shall be interpreted so as to further public health, safety, and welfare.

SECTION 2: Chapter 6.04 (Definitions) of the San Luis Obispo County Code is amended to read:

**Chapter 6.04 DEFINITIONS**

6.04.010	Definitions generally.
6.04.020	Activity.
6.04.025	Animal services manager.
6.04.030	Board.
6.04.040	Business.
6.04.050	Canvasser or solicitor.
6.04.060	County.
6.04.070	Distributor.
6.04.080	Fixed place of business.
6.04.090	Health officer.
6.04.100	Location owner.
6.04.110	Mechanical or electrical amusement device.
6.04.120	Mobile vending unit.
6.04.130	Operator.
6.04.140	Person or party.
6.04.145	Planning and building officer.
6.04.150	Public billiard room.
6.04.152	Public works officer.
6.04.155	Risk management.
6.04.158	Sheriff.
6.04.160	Tax collector.
6.04.170	Transient merchants, itinerant merchants, and itinerant vendors.
6.04.180	Vending machine.
6.04.190	Zoning ordinance.

**6.04.010 - Definitions generally.**

As used in this title the words and terms in this chapter shall have the meanings ascribed to them, unless from the context a different meaning is clearly apparent.

**6.04.020 - Activity.**

"Activity" includes a business, exhibition, or occupation and also every other activity for which this title requires a license, whether such activity is a business or occupation or neither.

**6.04.025 - Animal services manager.**

"Animal services manager" means the manager of the animal services division of this county or a duly authorized representative.

**6.04.030 - Board.**

"Board" means the board of supervisors of the county.

**6.04.040 - Business.**

"Business" includes every activity for which this ordinance requires a license, whether such activity is a business or occupation or neither.

**6.04.050 - Canvasser or solicitor.**

"Canvasser" or "solicitor" means any person, whether a resident of the county or not, traveling by foot or any other type of conveyance from place to place, from house to house, or from street to street, for the purpose of rendering services immediately or in the future, or for the purpose of taking or attempting to take orders for the sale of goods, wares, merchandise, or personal property of any nature whatsoever for immediate or future delivery. This definition includes any person who, individually, for another person or corporation hires, leases, uses, or occupies any building, structure, vehicle, or other place within the county for the sole purpose of exhibiting samples and taking orders for immediate or future delivery. A "canvasser" or "solicitor" also includes any individual who initiates contact in any manner to attend a gathering of any kind, for the purpose of presenting merchandise, products, or services in the home.

**6.04.060 - County.**

"County" means the County of San Luis Obispo.

**6.04.070 - Distributor.**

"Distributor" means a wholesaler or jobber of goods, wares, merchandise, or food products.

**6.04.080 - Fixed place of business.**

"Fixed place of business" means a place of business separate and distinct from any other business regularly kept open by the owner thereof or by agents or employees at a fixed location.

**6.04.090 - Health officer.**

"Health officer" means the health officer of the county or a duly authorized representative.

**6.04.100 - Location owner.**

"Location owner" means every person not engaged in the business of selling, renting, or placing on consignment or on commission basis mechanical or electronic amusement devices,

but who owns, uses, and operates not more than two (2) such mechanical or electronic amusement devices.

**6.04.110 - Mechanical or electronic amusement device.**

"Mechanical or electronic amusement device" means any table, board, machine, computer, or other device fitted for use by the public. The operation of a "mechanical or electronic amusement device" is made possible by the deposit or insertion of any coin or other object, or by the payment of any fee, and is intended as a game, contest, or amusement. A "Mechanical or electronic amusement device" does not contain a payoff device, and does not return or vend any article, merchandise, money, coin, check, or token. "Mechanical or electronic amusement device" shall not include phonographs, jukeboxes, or other music machines or devices.

**6.04.120 - Mobile vending unit.**

"Mobile vending unit" means any vehicle, which operates from site to site with primary emphasis on transit while dispensing a product or rendering a service on a stop-on-demand basis only and whose use is incidental to the land use and underlying zone. The vending unit shall be dispatched from a site, which is in conformance with county subdivision and zoning ordinances.

**6.04.130 - Operator.**

"Operator" means any person engaged in the business of selling, renting, or placing on consignment or on commission basis mechanical or electronic amusement devices in various locations within the county, and every person who owns, uses, and operates more than two (2) mechanical or electronic amusement devices.

**6.04.140 - Person or party.**

"Person" or "party" means and includes an individual, firm, association, corporation, cooperative, or non-cooperative, carrying on the business for which a license must first be procured. When the terms used in this section designate the principal, the same means and includes the clerk, agents, representatives, and employees of such principals. The intent of this title is to license the business and not separate or individual acts or activities, which constitute integral or related parts of the business, except as otherwise provided in this title.

**6.04.145 - Planning and building director.**

"Planning and building director" means the director of the department of planning and building of this county or a duly authorized representative.

**6.04.150 - Public billiard room.**

"Public billiard room" means any place open to the public where billiards, bagatelle, or pool is played or in which any billiard, bagatelle, or pool table is kept and persons are permitted

to play or do play thereon, whether any compensation or reward is charged for the use of such table or not.

**6.04.152 - Public works director.**

"Public works director" means the director of the public works department of this county or a duly authorized representative.

**6.04.155 - Risk management.**

"Risk management" means the insurance and liability analyst for the risk management division of this county.

**6.04.158 - Sheriff.**

"Sheriff" means the sheriff of this county or a duly authorized representative.

**6.04.160 - Tax collector.**

"Tax collector" means the tax collector of the county or a duly authorized representative.

**6.04.170 - Transient merchants, itinerant merchants, and itinerant vendors.**

"Transient merchants," "itinerant merchants," and "itinerant vendors" mean any person, whether as owner, agent, consignee, or employee, whether or not such person is a resident of the county, who engages in a business of selling and delivering goods, wares, and merchandise within the county; who, in furtherance of such purposes, temporarily hires, leases, uses, or occupies any type of room, building, structure, street, alley, or other place within the county for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

**6.04.180 - Vending machine.**

"Vending machine" means a mechanical apparatus so operated as to sell or deliver merchandise only the equivalent in marketing value to the face value of the monies deposited.

**6.04.190 - Zoning ordinance.**

"Zoning ordinance" means Titles 22 and 23 of this code.

SECTION 3: Chapter 6.08 (Licensing Procedures) of the San Luis Obispo County Code is amended to read as follows:

## **Chapter 6.08 LICENSING PROCEDURES**

6.08.000	Form of application.
6.08.006	Grounds for denial of a business license.
6.08.010	Exemptions.
6.08.015	Exemptions limitation.
6.08.020	Exemption from payment of license fee.
6.08.030	Issuance period.
6.08.040	Posting or display.
6.08.050	Producing on demand.
6.08.051	Referral of application by tax collector.
6.08.051.1	Prerequisite for issuance of license.
6.08.052	Tax collector review of departmental responses.
6.08.055	Board hearing prior to issuance of certain licenses.
6.08.060	Contents of issued license.
6.08.090	Renewal of license.
6.08.120	Keeping insurance and special requirements in force and effect.
6.08.130	Duplicate licenses.
6.08.140	Transfer of license.
6.08.155	Revocation and/or suspension of issued license.
6.08.170	Reconsideration by tax collector.
6.08.180	Appeal of denial or revocation of business license to the board.
6.08.190	Appeal directly to the board.

### **6.08.000 - Form of application.**

(a) Every application for a license required by this title shall contain the following:

- (1) The name and mailing address of the applicant; if the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation; if the applicant is a partnership, the name and address of each general partner shall be stated; if one or more of the partners is a corporation, the provisions of this section as to a corporate applicant apply;
- (2) The names of all other persons having an interest in the enterprise;
- (3) If the applicant is a corporation, the name and mailing address of an officer who is duly authorized to accept the service of legal process;
- (4) The telephone number of the applicant;
- (5) The email address of the applicant;
- (6) The name under which the applicant will be doing business;
- (7) The nature of the business;

(8) The exact location of the business or the route or territory to be covered if no fixed place of business;

(9) The residence of the applicant or, if a corporation, the principal place of business;

(10) The amount of the license fee; and

(11) A statement that the applicant will not permit or allow violations to any law or ordinance on the premises for which the license is applied.

(b) All applications shall be signed or electronically signed by the applicant prior to the license being issued.

**6.08.006 - Grounds for denial of a business license.**

(a) Application for a business license must be made to the tax collector before commencement of any business in the unincorporated area of the county. The tax collector may not issue a business license to an applicant if the regulating department or the board makes any of the following determinations:

(1) Upon review and investigation of the application and the applicant by the regulating department, the facts indicate that the applicant should not be granted the business license due to;

(A) Illegality of the business activity;

(B) Unfitness of the applicant to carry on the business applied for;

(C) Nonconformity of the proposed premises or location with Title 22 or 23 of this code; or

(D) Unfitness of equipment of the business for the activities of the business.

(2) The applicant has made a false statement on the application for the business license.

(3) The applicant has omitted information on the application for the business license.

(b) For purposes of this section, an “unfit” applicant includes, but is not limited to, any applicant who, upon review of the application by the sheriff is found to constitute a substantial risk to the public health, safety, and welfare if a business license is issued to the applicant.

(c) An applicant aggrieved by the determination of the regulating department, or departments, with regard to a recommendation for denial of a business license may request a review by the tax collector. The request is made by filing a request for reconsideration with the tax collector pursuant to Section 6.08.170 of this title.

#### **6.08.010 - Exemptions.**

Subject to the limitations in Section 6.08.015 of this code, no license shall be required hereunder by the following:

(a) Any juvenile operating a delivery route for newspapers or any juvenile under the age of eighteen (18) years who has a valid work permit issued by authorized school authorities.

(b) Activities that are otherwise exclusively regulated by state or federal law, or other titles under this code, unless the state, federal, or county ordinance expressly gives the licensing authority the right to require a business license.

(c) Any person or party having a lease or concession from the county to operate on land owned or operated by the county, or any person or party having a lease or concession to operate on land owned or operated by any public entity.

(d) Persons engaged in a business for the sole use and benefit of charities, religious or educational societies, or other organizations that are exempt from taxation under the constitution and law of this state, including;

(1) Nonprofit organizations as defined by California Revenue and Taxation Code Section 23701;

(2) Religious organizations;

(3) Organizations chartered under federal law for the purpose of soliciting donations for veterans.

(e) "Café musician," as defined in Section 16100.5 of the California Business and Professions Code.

(f) Any commercial traveler whose business is limited to goods, wares, and merchandise sold or dealt in at wholesale in the State of California.

(g) All public utilities possessing an active (unexpired) franchise.

(h) Transportation companies, except taxicabs.

(i) Any person or party conducting a fund-raiser for a political campaign.

(j) Any business engaged in the selling of agricultural products, vini-cultural products or the products of any livestock operation, when such business or farm complies with the provisions of Title 22 or 23 of this code, and when such products are sold by their producer.

(k) Any activity commenced or continued, for which the primary purpose is a sport, hobby, personal entertainment, or recreation, without the purpose, objective, or intention of making a profit.

(l) Businesses providing services and holding a license or permit from an incorporated city within this county.

**6.08.015 - Exemptions limitation.**

Nothing in Section 6.08.010 of this title exempts any business owner from complying with land use ordinances contained in Title 22 or 23 of this code or federal and state law, or from obtaining approval from any applicable regulating departments, required by this or any other title in this code.

**6.08.020 - Exemptions from payment of license fee.**

Persons specifically exempt from license fees under Section 16100 et. seq. of the Business and Professions Code of the State of California shall not be required to pay a fee for a license under this code.

**6.08.030 - Issuance period.**

Unless otherwise specifically provided, all license periods are as follows:

(1) The period of all annual licenses shall begin on the date that the license is issued and shall expire one year later. No license shall be granted or issued for a period longer than one year from the date of issuance.

(2) All businesses for which a daily permit is required shall only be valid for the dates stated on the issued license.

(3) Businesses that are dependent on the issuance of a permit from a regulatory department shall have a license issued only for as long as that permit is active and has not expired.

**6.08.040 - Posting or display.**

Every person, firm, association, or corporation having a license under the provisions of this title and carrying on a business, exhibition, occupation, or activity at a fixed place of business shall keep such license posted and exhibited, while in force, in some conspicuous part of the place of business. Every person having such a license and not having a fixed place of

business shall carry the license at all times while carrying on the business, exhibition, occupation, or activity for which the same was granted.

**6.08.050 - Producing on demand.**

Every person, firm, association, or corporation having a license under the provisions of this title shall produce and exhibit the same whenever requested to do so by any peace officer or officer authorized to issue and inspect licenses or collect the license fees. In addition, all solicitors and canvassers including their agents or employees are required to exhibit their licenses and identification cards at the request of any person.

**6.08.051 - Referral of application by tax collector.**

(a) Upon receiving an application for a business license, the tax collector shall initiate a review of said application by such other county departments as may have regulatory responsibilities with regard to the business described in the application. The applicant and/or the application may be directed to the departments specified by the tax collector, and, upon receiving approval from the departments, the tax collector may issue to the applicant a business license.

(b) Each department shall issue to the applicant a dated receipt showing the date the application has been received by said department for review.

(c) Thereafter, said department shall be responsible to complete its review and make its recommendation to the tax collector within ten (10) days of said receipt, or within such additional time, not to exceed sixty (60) days, as the tax collector may allow to such department upon a request made by the said department within the original ten (10) day period, except that applications which are referred to the sheriff as regulating department shall have thirty (30) days after receipt to respond without any request to the tax collector.

(d) In the absence of any response from a department within the time limit specified herein, the tax collector, upon presentation of the receipt by the applicant showing the time limit to have been exceeded and showing proof of compliance with Title 22 or Title 23 of this code, must assume a favorable response by said department, and proceed with the processing of the license application accordingly.

(e) In an extraordinary case, for good cause shown, the tax collector may allow any department more time than is stated in this section to complete its review and recommendation to the tax collector.

**6.08.051.1 - Prerequisite to issuance of business licenses.**

Prior to issuance of a business license by the tax collector, license applications for the following business categories shall be submitted to the specified regulatory departments for their review:

(a) The application to carry on any business in the county shall be first submitted to the county planning and building director for approval or denial pursuant to Title 22 or Title 23 of this code before a business license may be issued by the tax collector. No license shall be issued to carry on any business at a specific location where the business location or structure would be in violation of Title 22 or Title 23 of this code.

(b) The application for a business license must be presented to the sheriff for review and recommendations in relation to the following businesses as a prerequisite to the issuance of a license:

1. Amusement parlor or similar activity;
2. Body art establishments;
3. Card games and tables;
4. Massage establishments and massage technicians not exempted by state law;
5. Mobile ice cream vendors;
6. Roadhouse, tavern, bar and/or night clubs, and/or any establishments in which the primary intention is to serve or provide alcoholic beverages;
7. Sale of firearms;
8. Solicitors and canvassers;
9. Taxicabs;
10. Transient merchants, itinerant merchants, and itinerant vendors;

(c) The application for a business license must be presented to the health officer, and the applicant must obtain a health permit, in relation to the following businesses, as a prerequisite to the issuance of a license:

1. Body art establishments;
2. Collecting and disposal of all types of waste;
3. Food or food products;
4. Swimming pools and spas: All business types for which there will be public access to a swimming pool, spa, or hot tub;

(d) Card games and card tables: All license applications for any business involving card tables or card games shall be submitted to the county board for their approval before a license may be issued;

(e) Businesses that encroach on the public right-of-way: Any application to carry on a business which encroaches or impairs access on any public right-of-way shall be submitted to the public works director for comments or recommendations before a license may be issued. In accordance with Title 13, of this code, an application to carry on a business which encroaches or impairs access on any right-of-way of a county maintained road shall also secure an encroachment permit from the public works department before a license may be issued.

(f) Fireworks: Except as provided herein at Chapter 6.32, the sale of fireworks is prohibited in the unincorporated areas of San Luis Obispo County. Applications for a business license for the public display of fireworks shall be submitted to the chief of the applicable fire district or to the Cal Fire/San Luis Obispo County Fire Department for their findings and recommendations, and shall also be submitted to the county board for their approval before a license may be issued;

(g) Animal services: Any activity subject to the permitting requirements established by Section 9.2 of the county code shall secure such a permit from the animal services manager prior to the issuance of a business license.

#### **6.08.052 - Tax collector review of departmental responses.**

Upon receiving a response from a department to which the tax collector has referred an application, recommending denial of a particular application, or else recommending conditions to be placed upon the granting of the subject application, the tax collector must weigh and consider the recommendations of the department before making a decision on the subject license application.

The tax collector is empowered to deny applications based upon the recommendation of a department to whom the application has been referred, supported by factual matter, which justifies denial. The tax collector is empowered to condition the issuance of a particular license upon conditions, which ensure compliance with all applicable federal, state, and local laws and regulations pertaining to health and safety.

No application shall be denied without having given the applicant notice of the right to request reconsideration before the tax collector, or a hearing officer appointed by the tax collector, as described in section 6.08.170.

#### **6.08.055 – Board hearing prior to issuance of certain licenses.**

Prior to issuance of a business license for card games, card tables, or the display of fireworks the license application and departmental recommendations must be submitted to the

board and a hearing must be conducted. The process for a hearing before the board on applications for licenses shall be:

- (1) Upon the completion of review by all appropriate departments per this chapter, the tax collector shall within fifteen (15) days file with the clerk of the board a request for hearing by the board.
- (2) Within thirty (30) days of receipt of the request for hearing, the clerk shall schedule a time and place for a hearing before the board, and give the applicant, by certified mail, at least seven (7) days notice of the date and place of the hearing;
- (3) The clerk shall also give the tax collector and the appropriate regulating departments at least seven (7) days notice of the date and place of the hearing. Notice to the tax collector may be served by United States Postal Service, by independent mailing service, by interoffice messenger, or by electronic service.
- (4) The determination of the board on application pursuant to this chapter shall be final.
- (5) At the conclusion of the hearing, the board shall make findings supporting its decision whether the license in question should be issued, issued with conditions, or denied.

**6.08.060 - Contents of issued license.**

- (a) Every business license issued shall state:
  - (1) the name of the person, firm, association, or corporation to which it is issued,
  - (2) the kind of business for which the license is issued,
  - (3) the location of the business,
  - (4) the date of its issuance,
  - (5) the period of time for which it is issued,
  - (6) the license fee received, and
  - (7) the expiration date.
- (b) Each license issued shall also state any special restrictions or conditions that may limit the business activities, which may be conducted.
- (c) The issued license shall be sealed by the tax collector.

**6.08.090 - Renewal of license.**

(a) Except as otherwise provided in this title, every licensee who has obtained a license pursuant to the provisions of this title may obtain from the tax collector a renewal of such license. The board, the sheriff, the tax collector, the health officer, the public works director, or the planning and building director may recommend that the tax collector issue a written notice for the denial of renewal of such license if they receive information, which would have been sufficient grounds to have denied the license, as per Section 6.08.006 of this title.

(b) If a notice for denial is issued the licensee may file a request for hearing with the tax collector and appeal the denial pursuant to Section 6.08.170 et. seq. of this title.

(c) If a health department permit is required for the enterprise, and the permit is not renewed, it is the responsibility of the health officer to request that the business license not be renewed, or be revoked if previously renewed.

#### **6.08.120 - Keeping insurance and special requirements in force and effect.**

Whenever this title requires the applicant for any license to procure, post, or maintain in effect any bond, undertaking, deposit, surety, or policy of insurance, any license issued on that condition is valid only when such bond, undertaking, deposit, surety, or policy of insurance is in full force and effect. Such license shall be automatically suspended without notice if at any time such bond, undertaking, deposit, surety, or policy of insurance is not in full force and effect. If a new bond, undertaking, deposit, surety, or policy of insurance acceptable to the tax collector is filed before the cancellation or expiration date, then the license will continue in force.

#### **6.08.130 - Duplicate licenses.**

A duplicate license may be issued by the tax collector to replace any license previously issued under this title which has been lost or destroyed, upon the licensee filing a signed affidavit with the tax collector and paying the required fee.

#### **6.08.140 - Transfer of license.**

(a) The licensee may transfer a previously issued business license to another site upon application to the tax collector, if such application is approved by the departments which regulate the business.

(b) No license issued pursuant to this title may be transferred from one person to another person.

(c) If a license is issued to a partnership and the partnership is changed by the addition or deletion of partners, the license may be transferred to the new partnership, upon application to the tax collector, if any of the original partners remain in the new partnership, and if such application is approved by the departments which regulate the business.

**6.08.155 - Revocation and/or suspension of issued license.**

(a) The tax collector is authorized to revoke any issued business license whenever information is submitted which would be sufficient grounds to deny a license, as per Section 6.08.006.

(b) The tax collector is also authorized to revoke any issued business license whenever an establishment required to remit Transient Occupancy Tax to the county refuses or fails to make timely remittance of the tax, or violates any of the provisions of Chapter 3.08 of this ordinance. If a notice of revocation is mailed due to refusal or failure to pay Transient Occupancy Tax, an immediate suspension of the business license may be issued before the final revocation date.

(c) If the tax collector finds that there is immediate danger to the public health, safety, or welfare, an immediate suspension of the business license may be issued before the final revocation date.

(d) The license holder must be informed in writing of the tax collector's intention to revoke the business license at least fifteen (15) days in advance of the proposed effective date of revocation. The holder of the license may request a reconsideration of the proposed revocation before the tax collector per Section 6.08.170 of this code. The notice may be served personally or by mail, and shall notify the licensee of the need to discontinue doing business during the time of suspension or revocation.

(e) Upon issuance of written notice of revocation, the license shall be considered revoked, with no further action necessary.

(f) No other business license shall be issued to the person or business entity whose license has been revoked within six months from the date of the revocation.

**6.08.170 - Reconsideration by the tax collector.**

(a) With the exception of applicants for business licenses for card games, card tables, and fireworks displays, any applicant aggrieved by the action of the tax collector with regard to issuing, renewal, suspension, or revocation of the license, shall have the right to request a reconsideration hearing before the tax collector.

(b) Upon receiving a request for reconsideration, the tax collector shall promptly schedule a time and place for a hearing, and shall give the applicant or licensee, by certified mail, at least seven (7) days notice of the date and place of the hearing.

(c) Where the tax collector has taken adverse action against a licensee or applicant based on the recommendation of another regulating department, the tax collector shall provide prompt notice to the appropriate regulating departments, such notice being given at least

seven (7) days prior to the date of the hearing. The notice will state the date and place for the hearing. The notice may be served on the regulating departments by United States Postal Service, by independent mailing service, by interoffice messenger, or by electronic service.

(d) At the reconsideration hearing before the tax collector, the applicant or licensee and the regulating department, if any, or their authorized representative, may present such facts and evidence, and written or oral arguments as is necessary and appropriate to address the grounds on which the business license was denied, suspended, revoked, refused renewal, or had changed conditions imposed upon it.

(e) The tax collector shall hold a hearing and, as indicated by the evidence received at the hearing, shall deny the application, revoke the business license, impose conditions on the license continuing to remain in effect, or terminate the suspension and restore the license.

(f) The tax collector shall create a policy of selecting hearing officers consistent with the applicant's right to due process. The tax collector is authorized under this policy to delegate the function of reconsideration hearings to administrative hearing officers under contract or employees of other county departments. Such a policy shall be approved by the tax collector and by the Chief Administrative Officer of the County, or their designees.

(g) The applicant shall have the right to counsel, to compel attendance of witnesses, to confront and cross-examine witnesses, and to present evidence to the extent necessary to comport with administrative due process.

(h) The reconsideration hearing shall not be governed by the formal rules of evidence. Evidence rules shall be consistent with those normally applicable in administrative hearings, including such rules allowing the use of hearsay in administrative hearings.

(i) The hearing shall either be recorded, or a shorthand reporter shall transcribe the proceedings, at the tax collector's discretion. The applicant may, at the applicant's expense, elect to have a shorthand reporter attend the hearing and transcribe the hearing, as long as the tax collector is satisfied as to the reporter's neutrality and independence.

(j) The hearing officer shall notify the tax collector, the applicant, and any applicable regulating department within fourteen (14) days of the hearing's submission.

#### **6.08.180 - Appeal of denial or revocation of business license to the board.**

(a) With the exception of applicants for business licenses for card games, card tables, and fireworks displays, any applicant or business license holder aggrieved by the action of the tax collector with regard to any decision made in ruling upon a reconsideration hearing pursuant to Section 6.08.170, may request an appeal hearing before the board. Such appeal will be limited to the record as presented at the hearing before the tax collector. No new evidence may be presented at an appeal before the board.

(b) The process for appeal to the board shall be:

(1) Appeal shall be taken by filing with clerk of the board, within fifteen (15) days after the date on which notification of the decision of the tax collector is issued pursuant to Section 6.08.170 of this code, a request for appeal to the board. Such notification shall be on a form approved by the tax collector, and will be available either on the tax collector's website or will be served along with the notice of adverse action or the decision on an appeal to the tax collector, as appropriate;

(2) Within thirty (30) days of receipt of the request for appeal, the clerk shall schedule a time and place for a hearing before the board, and give the appellant, by certified mail, at least seven (7) days notice of the date and place of the hearing;

(3) The clerk shall also give the tax collector and the appropriate regulating departments at least seven (7) days notice of the date and place of the hearing. Notice to the tax collector may be served by United States Postal Service, by independent mailing service, by interoffice messenger, or by electronic service.

(4) The determination of the board on appeal pursuant to this chapter shall be final.

(5) At the conclusion of the hearing on appeal, the board of shall make findings supporting its decision whether the license in question should be issued, reinstated, or revoked, or whether conditions should be imposed on the license in lieu of denial, revocation, or suspension.

#### **6.08.190 - Appeal directly to the board.**

(a) Appeals involving card games, card tables, or the display of fireworks shall be made directly to the board, without a prior hearing before the tax collector.

(b) The process for appeal from an adverse action to the board shall be:

(1) Appeal shall be taken by filing with clerk of the board, within fifteen (15) days after the date on which notification of the decision of the board is issued pursuant to this code, a request for appeal to the board. Such notification shall be on a form approved by the tax collector, and will be available either on the tax collector's website or will be served along with the notice of adverse action, as appropriate;

(2) Within thirty (30) days of receipt of the request for appeal, the clerk shall schedule a time and place for a hearing before the board, and give the appellant, by certified mail, at least seven (7) days notice of the date and place of the hearing;

(3) The clerk shall also give the tax collector and the appropriate regulating departments at least seven (7) days notice of the date and place of the hearing. Notice to the tax collector may be served by United States Postal Service, by independent mailing service, by interoffice messenger, or by electronic service.

(4) The determination of the board on appeal pursuant to this chapter shall be final.

(5) At the conclusion of the hearing on appeal, the board of shall make findings supporting its decision whether the adverse action should be affirmed, reversed, or modified.

### **6.08.200 - Deadlines for Seeking Relief**

Any person seeking relief pursuant to Section 6.08.052, 6.08.170, 6.08.180, or 6.08.190 must do so by making such a request on a form approved by the Tax Collector and by filing the request in the manner dictated by the tax collector within fifteen (15) days of the tax collector mailing notice of the decision from which relief is sought.

SECTION 4: Chapter 6.12 (License Fees) of the San Luis Obispo County Code is amended to read as follows:

#### **Chapter 6.12 LICENSE FEES**

- 6.12.010 Rates fixed and established.
- 6.12.020 Payable in advance.
- 6.12.030 Penalties for late payment.
- 6.12.040 Fees.
- 6.12.060 Changes in rates.

#### **6.12.010 - Rates fixed and established.**

The rates of license fees for the business, exhibitions, occupations, and activities referred to and named in this title are fixed and established; and the rate shall be paid by the person, firm, association, or corporation engaged in or carrying on the same in the county.

#### **6.12.020 - Payable in advance.**

All license fees provided for in this title shall be due and payable in advance at the office of the tax collector.

#### **6.12.030 - Penalties for late payment.**

All license fees as required by this title are due and payable upon the first business day after the date of expiration. Any licensee is permitted a thirty (30) day grace period thereafter to submit said payment. Subsequent to the grace period, a penalty of fifty percent (50%) of the

license fee shall be added for renewal. If the entire license fee, with the addition of penalties, is not submitted within sixty (60) days after the expiration of the grace period, the tax collector shall automatically suspend the license. If the licensee desires to continue business, a request to reinstate the license, subject to the review of the appropriate departments, must be made to the tax collector's office no more than one hundred eighty (180) days after the expiration date of the license. If a request to reinstate is not made the license will automatically be revoked, and a new license application must be made to the tax collector's office as set forth in Section 6.08 et seq. of this title.

#### **6.12.040 - Fees.**

(a) Every person, firm, association, or corporation filing an application to conduct or carry on a business of any kind anywhere in the unincorporated areas of the county, which is not otherwise exempt under Section 6.08.010 of this title, may be required to pay a fee at the time of application. The application fee shall be established by board resolution or ordinance.

(b) Every person, firm, association, or corporation conducting or carrying on a business of any kind anywhere in the unincorporated areas of the county, which is not otherwise exempt under Section 6.08.010 of this title, shall obtain a general business license and shall pay an annual fee, which is established by board resolution or ordinance.

(c) Businesses requiring a special license type may be subject to additional fees as established by board resolution or ordinance.

#### **6.12.060 - Changes in rates.**

The rates of license fees established in this title may be changed by the board by resolution or ordinance.

SECTION 5: Section 6.16.010 of the County Code is amended to read as follows:

#### **6.16.010 - Civil action designated.**

If any person, firm, association, or corporation commences, conducts, or carries on any business, exhibition, occupation, or activity mentioned in this title without first paying a license fee and obtaining the license as provided for in this title for conducting or carrying on the business, exhibition, occupation or activity, an action may be commenced and prosecuted by the county against such person, firm, association, or corporation for the collection of the license fee. The court may, in addition to the amount due for such license fee and court costs, award a penalty not to exceed the amount allowed by Section 25132 of the California Government Code. In the event of a judgment in favor of the county in the action provided for in this section, the sum of the judgment shall be paid to the tax collector who shall deposit such amount into the general fund of the county.

SECTION 6: Chapter 6.20 (Roles of County Officers) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.20 ROLES OF COUNTY OFFICERS**

6.20.020	Tax collector.
6.20.040	Sheriff.
6.20.050	Health officer.
6.20.060	Planning and building director.
6.20.070	Public works director.
6.20.075	County agricultural commissioner.
6.20.075.1	Purpose, authority, and definitions.
6.20.075.2	Registration certificate required.
6.08.075.3	Application for registration certificate.
6.20.075.4	Term of registration certificate.
6.20.075.5	Persons to whom certificate issued.
6.08.075.6	Lost certificate.
6.20.075.7	Transfer of certificate.
6.20.075.8	Penalties.

**6.20.020 - Tax collector.**

- (a) The tax collector issues business licenses. The tax collector shall stamp with the tax collector's seal such business license and transmit it to the applicant.
- (b) For the purpose of this title, the tax collector acts as the administrator for issuing business licenses, and is responsible for implementing this title.
- (c) The tax collector shall also retain for two (2) years after the expiration date, a record of all business licenses and their effective starting dates.
- (d) The tax collector shall be the hearing officer for appeals to the denial or revocation of business licenses in accordance with this title.

**6.20.040 - Sheriff.**

- (a) The sheriff reviews and makes recommendations regarding the approval of business license applications for any nature of business, for which the sheriff is noted as a regulating department.
- (b) The sheriff enforces the provisions of this title; and they are authorized to arrest a person without a warrant whenever there is reasonable cause to believe that the person to

be arrested has committed a misdemeanor within their presence which is a violation of any provision of this title.

**6.20.050 - Health officer.**

The health officer reviews and makes recommendations on business license applications for those classes of business, for which the health officer is noted as a regulating department and for any other class of business that the tax collector may deem necessary for the public health and safety.

**6.20.060 - Planning and building director.**

(a) The planning and building director reviews all business license applications pursuant to Title 22 or Title 23 of this code, and recommends approval of such applications where the proposed use, site, and building, if any, are consistent with all applicable provisions of the land use ordinance, Title 22 or Title 23 of this code.

(b) In the enforcement of the provisions of this title, the planning and building director is also authorized to secure compliance with this title through any of the enforcement procedures specified by California state law or this code, which are deemed appropriate, in cases where a site contains violations of this title or Titles 19, 22, or 23 of this code.

**6.20.070 - Public works director.**

The public works director reviews and makes recommendations on any business license application for which the business would encroach or impair access on a public right-of-way.

**6.20.075 - County agricultural commissioner.**

The county agricultural commissioner, by operation of the provisions of Section 2.20.040, exercises the duties of the county sealer of weights and measures. Under this chapter and in accordance with the general provisions of law the agricultural commissioner licenses all weighing and measuring devices and collects the fees charged in accordance with the provisions of the fee ordinance as established by the board.

**6.20.075.1 - Purpose, authority, and definitions.**

(a) Purpose and Authority. Sections 6.20.075—6.20.075.8 establish a system for registering commercial weighing and measuring devices, and to recover the costs of inspecting and testing such instruments in accordance with the provisions of Section 12210 of the California Business and Professions Code.

(b) Definitions.

(1) "Commercial purposes" means and includes the determination of the weight, measure, or count of any commodity or thing which is sold on the basis of weight,

measure, or count; or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. Devices used in a determination upon which a charge for service is based include, but are not limited to, taximeters, odometers, timing devices, parcel scales, shipping scales, and scales used in the payment of agricultural workers. "Commercial purposes" does not include the determination of the weight, measure, or count of any commodity or thing which is performed within a plant or business as a part of the manufacturing, processing or preparing for market of that commodity or thing, or the determination of charges for the transmission of letters or parcels of less than one hundred fifty pounds, except when that determination is made in the presence of the customer charged for the service.

(2) "Department" means the department of agriculture/ weights and measures of the county.

(3) "Location" means the room, enclosure, building, vehicle, space, or area where one or more weighing or measuring devices are located.

(4) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure, and includes any tool, appliance, or accessory used or connected therewith.

(5) "Person" means and includes any person, firm, corporation, or association.

(6) "Sealer" means the agricultural commissioner of the county or his or her designated, duly licensed and authorized inspectors and employees.

(7) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight, and includes any tool, appliance, or accessory used or connected therewith.

#### **6.20.075.2 - Registration certificate required.**

No person shall use any weighing or measuring devices for commercial purposes, without having a current registration certificate for such device. The certificate shall be in addition to any other certificate, license, or permit which may be required by the county or any other public entity.

#### **6.20.075.3 - Application for registration certificate.**

An application for a registration certificate must be submitted to the sealer in the form prescribed by the agricultural commissioner. The sealer shall authorize the registration certificate upon receipt of a completed application and payment of the applicable fee.

#### **6.20.075.4 - Term of registration certificate.**

A registration certificate shall be valid for a period of one year from the date of issuance, and must be renewed from year to year, for successive one-year periods, upon payment of the applicable fee.

**6.20.075.5 - Persons to whom certificate issued.**

A registration certificate may be issued to a corporation duly authorized to transact business in this state, and to a person operating under a fictitious name, who has complied with the provisions of the California Business and Professions Code. Otherwise, all such certificates shall be issued in the true name of the applicant. Except as provided in this section, no business, occupation or activity for which a certificate is required by Sections 6.20.075 through 6.20.075.8, may be conducted under any false or fictitious name. A certificate issued to a corporation shall designate such corporation by the exact name which appears in the articles of incorporation of such corporation.

**6.20.075.6 - Lost certificate.**

If a current registration certificate has been lost, the person to whom it was issued may obtain a replacement from the sealer upon payment of the replacement fee.

**6.20.075.7 - Transfer of certificate.**

A registration certificate is not transferable from one person to another, and is valid only for the specific device, and if the device is to be used at a fixed location, for the specific location for which issued.

**6.20.075.8 - Penalties.**

Any registration certificate for which the fees have not been paid within thirty days from the date such payment is due will be subject to a one hundred percent penalty, with a like amount accruing each thirty days which elapse without payment received.

SECTION 7: Chapter 6.24 (Transient Merchants – Solicitors and Canvassers)of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.24 TRANSIENT MERCHANTS – SOLICITORS AND CANVASSERS**

- 6.24.010 Identification card and license required.
- 6.24.020 Application.
- 6.24.050 Investigation.
- 6.24.060 Denial of application.
- 6.24.070 Application approval.
- 6.24.100 Expiration and renewal of license and identification card.

#### **6.24.010 - Identification card and license required.**

It is unlawful for any transient merchant, itinerant merchant, itinerant vendor, solicitor, or canvasser as defined in this title to engage in such business within the unincorporated areas of the county without first obtaining a license and identification card in compliance with the provisions of this title. It is unlawful for any agent or employee of a solicitor or canvasser to engage in such business within the unincorporated areas of the county without first obtaining an identification card in compliance with the provisions of this title.

#### **6.24.020 - Application.**

Subsections (1) through (9) of this section will be completed in the presence of the tax collector, and subsections (10) through (12) will be completed by the sheriff, allowing a thirty (30) day waiting period for the investigation.

Every application for a license and identification card required by this chapter shall be signed by the applicant and shall contain the following:

- (1) Name of the applicant;
- (2) Permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold or the services to be rendered;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods to be sold are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (7) If services are to be rendered, a statement as to the manner in which they are to be rendered;
- (8) Three (3) clear photographs showing the head and shoulders of the applicant, two (2) by three (3) inches in size;
- (9) The physical description of the applicant;

(10) The fingerprints of the applicant and the names of at least two (2) reliable property owners in the county who will certify the applicant's good character and business responsibility; or, in lieu of the names of references, such other evidence as will enable an investigator to properly evaluate the character and business responsibility of the applicant;

(11) A statement as to whether the applicant has been convicted of a felony, misdemeanor, or violation of any county ordinance, and if so, the nature of the offense and the date the sentence, penalty, or other obligation was completed;

(12) The description and license number of any motor vehicle to be used by the applicant.

#### **6.24.050 - Investigation.**

Upon completion of such application, the original shall be retained by the sheriff, who shall cause the investigation of applicant's business and moral character to be made as is deemed necessary for the protection of the public good.

#### **6.24.060 - Denial of application.**

(a) If, as a result of the investigation, the grounds for denial of a license pursuant to Section 6.08.006 are present, the sheriff shall return a copy of the application, together with a recommendation of denial to the tax collector. The tax collector must weigh and consider the recommendations of the sheriff before making a decision on the subject license application.

(b) The tax collector is empowered to deny applications based upon the recommendation of the sheriff, supported by factual matter which justifies denial. The tax collector is empowered to condition the issuance of a particular license upon conditions, which are related to the carrying on of the particular business by the particular applicant in the interests of the public health, safety, and welfare of the people of the county.

(c) Any person whose application has been denied shall have the right to appeal as provided under Sections 6.08.170 and 6.08.180 of this title.

#### **6.24.070 - Application approval.**

(a) If, as result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the sheriff shall approve the application for the carrying on of the business applied for and send notice of the approval of the application to the tax collector, who shall issue the license and/or identification card.

(b) The license shall be sealed by the tax collector and shall contain the following;

(1) the number of the business license,

- (2) the name and address of the applicant,
- (3) the class of license issued and the kind of goods to be sold or services rendered,
- (4) the amount of fee paid, and
- (5) the date of issuance and the length of time the license shall be operative.

(c) The tax collector shall issue to each licensed solicitor and any agents or employees an identification card which shall contain the words "licensed solicitor," as well as the following information:

- (1) the name of the solicitor or canvasser,
- (2) the period of time for which the business license is issued,
- (3) the number of the business license, and
- (4) the physical description of the solicitor with a current photo.

(d) The identification card, during the time the licensee, agents, or employees are engaged in canvassing or soliciting, shall be worn on the front of the outer garment in a conspicuous manner.

(e) The issuance of any such license and/or identification card shall not constitute any endorsement by the board or any of the officers of the county as to the reputation of reliability of the bearer thereof, or the goods to be sold or services to be rendered.

**6.24.100 - Expiration and renewal of license and identification card.**

- (a) All licenses issued under this chapter shall expire as set forth in Section 6.08.030 of this title, and are renewable as set forth in Section 6.08.090 of this title. However;
- (b) A new solicitor's identification card shall be required for each year that the associated solicitor's license is renewed.

SECTION 8: Chapter 6.32 (Fireworks) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.32 FIREWORKS**

- 6.32.010 Restrictions on sale and use.
- 6.32.015 Safe and sane fireworks in districts.
- 6.32.020 Designated.
- 6.32.030 Permitted displays and use.
- 6.32.040 Applications for license.

- 6.32.050 Application review.
- 6.32.060 Recommendation review.
- 6.32.065 Insurance.
- 6.32.070 License issuance.
- 6.32.080 License renewal.

**6.32.010 - Restrictions on sale and use.**

It is unlawful to discharge, manufacture, use, sell at wholesale or retail, have, possess, keep, store, import, export, shoot off, explode, transport (except as a public carrier), or make a public display of, within the unincorporated areas of the county, any fireworks as defined in Chapter 1, Part 2, of Division 11 of the Health and Safety Code of the State of California; save and except such fireworks as may be sold or public display thereof made, under the provisions of Part 2, Division 11 of the Health and Safety Code of the State of California (State Fireworks Law), Subchapter 6 of Title 19 of the California Administrative Code (Rules and Regulations of the Office of the State Fire Marshal); and other provisions of this chapter.

**6.32.015 - Safe and sane fireworks in districts.**

Nothing in this chapter shall be construed to prevent regulation of the sale or use of safe and sane fireworks (as defined in Health and Safety Code Section 12529 and related sections) within the territory of a community services district or other district which exercises fire control functions, including therein the adoption of its own version of the California Fire Code. This code shall not regulate nor preempt regulation of safe and sane fireworks in such local districts. Applicants who have received a permit for the sale of safe and sane fireworks from a community services or fire district pursuant to this section shall not be required to obtain a business license in addition to the permit.

**6.32.020 - Designated.**

Fireworks shall include, but not be limited to, blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns or other similar devices in which paper caps containing not more than twenty-five hundredths grains of explosive compound per cap are used.

**6.32.030 - Permitted displays and use.**

Public pyrotechnic displays and the use of fireworks for such purposes may be permitted at such times and places as the board may direct or permit under the direct supervision of the

county fire chief or chief of the fire department in the fire district where the display is to take place.

#### **6.32.040 - Applications for license.**

Applications for a county business license to make a public pyrotechnic display and forms providing for such additional information as required by the chiefs of the fire department shall be obtained from the tax collector of the county.

#### **6.32.050 - Application review.**

If the proposed place of public display is situated within a fire district then the chief of the fire department of the fire district shall review the applications and submit findings and recommendations regarding the issuance of the license. However, if the proposed place of public display is not situated within a fire district then the county fire chief shall review the applications and submit findings and recommendations regarding the issuance of the license.

#### **6.32.060 - Recommendation review.**

The findings and recommendations of such officer regarding the issuance of the license together with the reasons for such findings and recommendations shall be submitted to the board for review prior to their granting or denying approval for the issuance of a business license.

#### **6.32.065 - Insurance.**

After filing an application for a fireworks business license, the applicant shall file with the tax collector copies of insurance policies, together with certificates of insurance executed by an authorized representative of the insurance carrier, showing coverage in accordance with the requirements as set forth by risk management. The policy shall be effective for the entire length of time that the fireworks business license is valid. The policy shall not be cancelled or changed without first giving ten (10) days prior written notice to the tax collector.

#### **6.32.070 - License issuance.**

Upon the receipt of the approval of the board, the tax collector shall issue a business license for the public pyrotechnic display in compliance therewith.

#### **6.32.080 - License renewal.**

(a) Once approved by the board, for time and place, the license may be renewed for the same time and place in consecutive years. Prior to renewal the fireworks business license holder must provide proof that the requirements regarding the insurance policy and approval by the county fire chief have been obtained for the renewal period.

(b) If the license is not renewed each consecutive year, no renewal is possible, and a new application process must be initiated pursuant to this code.

SECTION 9: Chapter 6.36 (Card Games and Tables) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.36 CARD GAMES AND TABLES**

- 6.36.010 Application review.
- 6.36.020 License issuance.
- 6.36.030 Effective date of license.

**6.36.010 - Application review.**

An application for a license to operate a card game or card table must be reviewed by the sheriff. The application, together with the findings and recommendations of the sheriff shall then be presented to the board for approval. The board's review of the application shall include, but is not limited to a determination of whether the sheriff's findings confirm that the applicant has satisfied the following county requirements:

- (1) Card rooms may operate for twenty-four (24) hours a day, seven (7) days a week. The hours of operation shall be clearly posted in the card room, and shall not cause a violation of any provision in Title 22 or 23 of this code;
- (2) The location of such card room or table complies with the requirements of Title 22 or 23 of this code;
- (3) The number of card rooms allowed in the county's jurisdiction shall not exceed ten (10) rooms, and the number of card tables allowable for any card room shall not exceed four (4) tables, and shall not cause the county to exceed its jurisdictional limit of forty (40) tables, except that a maximum of ten (10) tables may be allowed for up to five (5) days for a tournament, upon application to and approval by the board pursuant to the provisions of this chapter;
- (4) Any card room license holder must apply for approval with the Bureau of Gambling Control to operate temporary tables for a tournament pursuant to California Gambling Control Commission Regulation Section 12358 before seeking board approval for additional temporary tables pursuant to subdivision (3) of this section;
- (5) The per person wagering limits shall be clearly posted in the card room, and shall not exceed one thousand dollars (\$1,000.00) per game; and
- (6) The applicant shall be liable for the safety and security of the patrons, and shall provide adequate security measures at the card room or card tables to ensure patron security and safety at such card room or card tables.

**6.36.020 - License issuance.**

(a) No such license as is referred to in this chapter shall be issued except upon order of the board, under the following conditions:

(1) The sheriff's findings and recommendations reflect that the applicant has complied with any and all county ordinances pertaining to the hours of operation, the location of such card room or table, the number of tables allowable for such card room, wagering limits, and adequate security measures at the card room or card tables to ensure patron security and safety at such card room or card tables; and

(2) The applicant has complied with the provisions of California Business and Professions Code Sections 19800 et seq., and has accordingly received a gambling license from the State of California.

(b) The board may limit the number of county licenses issued, which in its judgment shall be for the best interest of the public peace, safety, and welfare.

**6.36.030 - Effective date of license.**

The license shall become effective on the date the license is issued and shall be valid for a period of one (1) year.

SECTION 9: Chapter 6.40 (Gambling Devices) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.40 GAMBLING DEVICES**

6.40.010 State provisions.

**6.40.010 - State provisions.**

The provisions contained in this title shall not be construed to permit the licensing of any slot machine or gambling device declared illegal by the Penal Code of the State of California; nor shall any license issued hereunder permit the operation, possession, or use of any slot machine or gambling device declared illegal by the Penal Code of the State of California.

SECTION 10: Chapter 6.44 (Fortunetelling) of the San Luis Obispo County Code is repealed.

SECTION 11: Chapter 6.64 (Bingo Games) of the San Luis Obispo County Code is amended to read as follows:

**Chapter 6.64 BINGO GAMES**

6.64.010 Definitions.

6.64.020 License required.

6.64.030 Organizations eligible for county license to conduct bingo games.

6.64.040	Application for license.
6.64.050	Applicant must be qualified.
6.64.060	Content of application.
6.64.070	Contents of license.
6.64.080	Change in facts relating to application.
6.64.110	Maximum amount of prize.
6.64.120	Profits to be kept in separate fund or account and used only for charitable purpose.
6.64.140	Exclusive operation by licensee.
6.64.150	Bingo games open to the public.
6.64.160	Attendance limited to occupancy capacity.
6.64.170	Bingo games conducted only on licensee's property.
6.64.180	Minors not to participate.
6.64.190	Hours of operation.
6.64.200	Participant must be present.
6.64.210	Receipt of profits by a person a misdemeanor under state law.
6.64.220	County may enjoin violation.
6.64.230	Severability.

#### **6.64.010 - Definitions.**

The following terms shall have the following meanings when used in this chapter:

(a) "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random.

(b) "Eligible organizations" means those organizations described in Section 6.64.030 of this chapter.

#### **6.64.020 - License required.**

It is unlawful for any person, individual, partnership, corporation, trust, or community chest to hold, operate, maintain, or conduct, or to knowingly allow to be held, operated, maintained, or conducted upon his, her, or its property a bingo game or games, as defined in this chapter, in the unincorporated area of the county unless it shall first obtain in the manner and pursuant to the conditions prescribed herein, a license from the tax collector to operate, maintain, or conduct such bingo game or games. Said license shall be issued only to eligible organizations described in Section 6.64.030 of this chapter.

#### **6.64.030 - Organizations eligible for county license to conduct bingo games.**

Only businesses expressly authorized by state law, including California Penal Code Section 326.5 are authorized to apply for a license to conduct bingo games within the unincorporated areas of the County.

#### **6.64.040 - Application for license.**

Eligible organizations desiring to obtain such license to conduct bingo games in the county shall file an application with the tax collector on a form to be provided by the tax collector. Said application shall be signed, or electronically signed, under penalty of perjury by at least two officers, including the presiding officer, of the applicant organization. The license issued shall be for a term of one year from the date of issuance, subject to renewal and annual fee.

#### **6.64.050 - Applicant must be qualified.**

No license shall be issued to any organization unless such applicant is an eligible organization under Section 6.64.030 of this chapter, and its application conforms to all applicable laws of this state and all provisions of this code.

#### **6.64.060 - Content of application.**

Said application for a license shall contain the following:

- (1) The name and address of the applicant organization;
- (2) A statement by the applicant that it is an eligible organization as described in Section 6.64.030 of this chapter;
- (3) If the applicant is claiming to be an eligible organization as described in Section 6.64.030 of this chapter, a copy of the letter of exemption from the California Franchise Tax Board indicating the applicant is an exempt organization under Section 23701 et. seq. of the California Revenue and Taxation Code;
- (4) If the applicant is a mobile home park association, proof that said mobile home park is currently licensed by the state;
- (5) If the applicant is a senior citizen organization, a copy of the bylaws and other organizational documents establishing that the applicant is an eligible senior citizen organization;
- (6) The exact location, including legal description and/or street address of the property to be used by the applicant for conducting the bingo game;
- (7) A statement by the applicant that the property described in subsection (6) of this section is owned by the applicant or is leased by the applicant and that said property is used by the applicant for the office or for the performance of the purposes for which the applicant is organized;
- (8) The proposed days of the week and hours of the day during which bingo games will be conducted;

(9) A statement that the applicant agrees to conduct said bingo games in strict compliance with the provisions of Section 326.5 of the California Penal Code and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the county upon violation of any such provisions;

(10) The annual license fee fixed by the board by resolution or ordinance shall accompany the application;

(11) A statement that the applicant agrees that the county, through its authorized officers, shall have the right to examine and audit the applicant's records described in Section 6.64.120 of this chapter.

#### **6.64.070 - Contents of license.**

Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games in the county, the tax collector shall issue a license to said applicant, which shall contain the following information:

- (1) The name and nature of the organization to whom the license is issued;
- (2) The address where bingo games are authorized to be conducted;
- (3) The occupancy capacity of the room in which the bingo games are to be conducted;
- (4) The date of the expiration of such license;
- (5) Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter.

#### **6.64.080 - Change in facts relating to application.**

The applicant and/or licensee shall notify the tax collector in writing of any change in the facts set forth in the application and accompanying documents within five (5) days after such change.

#### **6.64.110 - Maximum amount of prize.**

The total value of prizes awarded during the conduct of any bingo game shall not exceed the amount allowed by Section 326.5 of the California Penal Code for each separate game, which is held. Subject to the foregoing restriction, organizations described by Section 6.64.030 of this chapter, may use the proceeds of said bingo game for prizes.

**6.64.120 - Profits to be kept in separate fund or account and used only for charitable purposes.**

All profits derived from a bingo game shall be kept in a special fund, or account, and shall not be commingled with any other fund, or account, and shall be used exclusively for charitable purposes. The licensee shall keep full and accurate record of the income and expenses received or disbursed in connection with its operation, conduct, promotion, supervision, and any other phase of the bingo games, which are authorized by this chapter. The county, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time, and the licensee shall fully cooperate with the county by making such record available. With respect to an organization described in Section 6.64.030 of this chapter, a portion of such proceeds may be used for rental of property, overhead, and administrative expenses as described in Section 326.5 of the California Penal Code.

**6.64.130 - Financial interest in licensee only.**

No individual corporation, partnership, or other legal entity, except the licensee, shall hold a financial interest in the conduct of such bingo game.

**6.64.140 - Exclusive operation by licensee.**

A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage, or salary from any bingo game. Only the licensee shall operate such game or participate in the promotion, supervision, or any other phase of such game.

**6.64.150 - Bingo games open to public.**

All bingo games shall be open to the public, not just to members of the licensee organization.

**6.64.160 - Attendance limited to occupancy capability.**

Notwithstanding that, bingo games are open to the public; attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted, as determined by the planning and building director in accordance with the applicable laws and regulations. The licensee shall not reserve seats or space for any person.

**6.64.170 - Bingo games conducted only on licensee's property.**

A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property the address of which is stated on the application. In the event the described property ceases to be owned or leased by the licensee, used as an office or as a place for performance of the purposes for which the licensee is

organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by the applicant/licensee be used or leased exclusively by such organization.

**6.64.180 - Minors not to participate.**

No person under eighteen (18) years of age shall be allowed to participate in any bingo game.

**6.64.190 - Hours of operation.**

No licensee shall conduct any bingo game more than six (6) hours out of any twenty-four (24) hour period. No bingo game shall be conducted between the hours of two (2) a.m. and ten (10) a.m. each day.

**6.64.200 - Participant must be present.**

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

**6.64.210 - Receipt of profits by a person a misdemeanor under state law.**

It is a misdemeanor under Section 326.5(b) of the Penal Code of the State of California for any person to receive a profit, wage, or salary from any bingo game authorized under this chapter, violation of which is punishable by a fine not to exceed the amount specified in Section 326.5(c) of the Penal Code of the State of California, which fine shall be deposited in the general fund of the county.

**6.64.220 - County may enjoin violation.**

The county may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the California Penal Code or of this chapter.

**6.64.230 - Severability.**

If any section, subsection, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this chapter. The board hereby declares that it would have adopted this chapter and each section, subsection, or portion thereof, irrespective of the fact that any one or more sections, subsections, or portions be declared invalid or unconstitutional.

SECTION 12: Chapter 6.75 (Massage) is added to the San Luis Obispo County Code to read as follows:

## **Chapter 6.75 MESSAGE ESTABLISHMENTS AND MESSAGE TECHNICIANS**

6.75.010	Message license required.
6.75.020	Exemptions and limitations.
6.75.030	Definitions.
6.75.040	Message license – Form of application.
6.75.050	Investigation.
6.75.060	Recommendation for denial of application.
6.75.070	Application approval.
6.75.080	Contents of issued license.
6.75.090	Expiration of license.
6.75.100	Display of licenses required.

### **6.75.010 - Massage license required.**

It is unlawful for any person or party to conduct business as a massage establishment or massage technician within the unincorporated areas of the county without first obtaining a license in compliance with the provisions of this title.

### **6.75.020 - Exemptions and limitations.**

No license shall be required hereunder by the individual holder of a valid certificate issued by the California Massage Therapy Council pursuant to California Business and Professions Code Section 4600 et seq;

A massage establishment that employs or contracts with, only persons who are certified pursuant to California Business and Professions Code Section 4600 et seq to provide massage as defined by this chapter shall only be required to obtain a license for the establishment in accordance with Chapters 6.04 and 6.08 of this title.

### **6.75.030 - Definitions.**

As used in this chapter, the words and terms shall have the meanings ascribed to them, unless from the context a different meaning is clearly apparent. The definitions provided in this chapter are in addition to the definitions provided in Chapter 6.04 of this code.

(1) “Massage” means any method of pressure on or friction against, or stroking, kneading, tapping, pounding, vibrating, or stimulating any part of the body of another person by the use of the hands or other part of the body with or without the aid of any apparatus.

(2) “Massage establishment” means a fixed place of business where any person engages in, conducts, or carries on a business providing massage or related services.

(3) “Massage technician” means any person, who administers to another person, for any form of consideration, massage, or related services.

(4) “Recognized school” means a school or institution of learning approved pursuant to Section 4600 et seq. of the Business and Professions Code of the State of California which has for its purpose the teaching of the theory, method, profession, or work of massage or related services, and which school has been approved by the California Massage Therapy Council.

#### **6.75.040 - Massage license – Form of application.**

Subsections (1) through (9) will be completed in the presence of the tax collector, subsections (10) through (14) will be completed by the sheriff, allowing a thirty (30) day waiting period for the investigation.

Every application for a license to conduct business as a massage establishment or massage technician, required by this chapter, shall be signed by the applicant and shall contain the following:

- (1) The name and mailing address of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. If the applicant is a partnership, the name and address of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this section as to a corporate applicant apply. The names of all other persons having an interest in the enterprise;
- (2) If the applicant is a corporation, the name and mailing address of an officer who is duly authorized to accept the service of legal process;
- (3) A brief description of the nature of the business and the services to be rendered;
- (4) The place and manner in which the services are to be rendered;
- (5) The telephone number of the applicant;
- (6) The email address of the applicant;
- (7) The name under which the applicant will be doing business;
- (8) Proof of graduation from a recognized school is required for all massage technicians applying for a license;
- (9) A clear photograph showing the head and shoulders of the applicant, two (2) by three (3) inches in size;
- (10) The physical description of the applicant;

(11) Proof that the applicant is at least eighteen (18) years of age;

(12) The fingerprints of the applicant and other evidence as will enable an investigator to properly evaluate the character and business responsibility of the applicant;

(13) A statement as to whether or not the applicant, or any of the persons having an interest in the enterprise, has been convicted of a felony or misdemeanor, and if so the nature of the offense and the date the sentence, penalty, or other obligation was completed;

(14) A statement as to whether or not the applicant, or any of the persons having an interest in the enterprise, is required to register under the provisions of Section 290 of the California Penal Code.

**6.75.050 - Investigation.**

(a) Upon completion of such application, the original shall be submitted to the sheriff, who shall cause the investigation of the applicant's business and moral character to be made, as is deemed necessary for the protection of the public good.

(b) The sheriff shall have an automatic thirty (30) days after receipt, of the application for review, to respond to the tax collector.

(c) In the absence of any response from the sheriff within the time limit specified herein, the tax collector, upon presentation of the receipt from the applicant showing that the time limit has been exceeded, must assume a favorable response by the sheriff, and proceed with the processing of the license application accordingly.

(d) In an extraordinary case, for good cause shown, the tax collector may allow the sheriff more time than is stated in this section to complete its review and recommendation to the tax collector.

**6.75.060 - Recommendation for denial of application.**

(a) If, as a result of the investigation, the grounds for denial of a license pursuant to Section 6.08.006 are present, the sheriff shall return a copy of the application, together with a recommendation for denial, to the tax collector, who shall notify the applicant that the application has been denied.

(b) Any person whose application has been denied shall have the right to a hearing and/or appeal as provided under Sections 6.08.170 and 6.08.180 of this title.

**6.75.070 - Application approval.**

If, as result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the sheriff shall approve the application for the carrying on

of the business applied for and send notice of the approval of the application to the tax collector, who shall issue the license.

**6.75.080 - Contents of issued license.**

(a) Every business license for massage that is issued shall state:

- (1) the name of the person, firm, association, or corporation to which it is issued,
- (2) that the license is issued for a massage type business,
- (3) the location of the massage business,
- (4) the date of issuance,
- (5) the period of time for which it is issued,
- (6) the license fee received, and
- (7) the expiration date.

(b) Each license issued shall also state any special restrictions or conditions that may limit the business.

(c) The business license shall be sealed by the tax collector.

(d) The issuance of any such license shall not constitute any endorsement by the board or any of the officers of the county as to the reputation or reliability of the bearer thereof or services to be rendered.

**6.75.090 - Expiration of license.**

All licenses issued under this title shall expire as set forth in Section 6.08.030 of this title, and are renewable as set forth in Section 6.08.090.

**6.75.100 - Display of licenses required.**

The owner or operator of a massage business shall display the massage license or licenses in a conspicuous place on the premises.

SECTION 12: Chapter 6.80 (Body Art Establishments) is added to the San Luis Obispo County Code to read as follows:

**Chapter 6.80 BODY ART ESTABLISHMENTS**

6.80.010      Body art establishment license required.

- 6.80.020 Definitions.
- 6.80.030 Body art license – Form of application.
- 6.80.040 Investigation.
- 6.80.050 Recommendation for denial of application.
- 6.80.060 Application approval.
- 6.80.070 Prerequisite to issuance.
- 6.80.080 Contents of issued license.
- 6.80.090 Expiration of license.
- 6.80.100 Display of licenses required.

**6.80.010 - Body art establishment license required.**

It is unlawful for any person or party to conduct business as a body art establishment within the unincorporated areas of the county without first obtaining a license in compliance with the provisions of this title.

This Chapter does not apply to a body art establishment that:

- (1) possesses a valid license to perform body art from another California jurisdiction;
- (2) operates for fewer than five (5) consecutive days or fifteen (15) total days per calendar year in the unincorporated areas of the County; and
- (3) has registered with the sheriff and the health officer, providing all information listed in Section 8.08.030, subparagraphs (1) – (9), prior to performing any body art in the unincorporated areas of the county and has renewed this registration annually.

**6.80.020 - Definitions.**

As used in this chapter, the words and terms shall have the meanings ascribed to them, unless from the context a different meaning is clearly apparent. The definitions provided in this chapter are in addition to the definitions provided in Chapter 6.04.

- (1) “Body art” means tattooing, permanent cosmetics, and body piercing.
- (2) “Body art establishment,” means a fixed place of business where any person engages in, conducts, or performs the business of providing body art or related services.
- (3) ”Body art technician” means any person who is a practitioner of tattooing, permanent cosmetics, or body piercing to include, conducting body art procedures on another individual or technically advising the body art procedures performed by another individual.

### **6.80.030 - Body art license – Form of application.**

Subsections (1) through (10) will be completed in the presence of the tax collector, subsections (11) through (15) will be completed by the sheriff, allowing a thirty (30) day waiting period for the investigation.

Every application for a license to conduct the business of a body art establishment required by this chapter shall be signed by the applicant and shall contain the following:

- (1) The name and mailing address of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. If the applicant is a partnership, the name and address of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this section as to a corporate applicant apply.
- (2) The names of all other persons having an interest in the enterprise;
- (3) If the applicant is a corporation, the name and mailing address of an officer who is duly authorized to accept the service of legal process;
- (4) A brief description of the nature of the business and the services to be rendered;
- (5) The place and manner in which the services are to be rendered;
- (6) The telephone number of the applicant;
- (7) The email address of the applicant;
- (8) The name under which the applicant will be doing business;
- (9) Each license application shall state that the applicant is aware that failure to require registration of each body art technician with the health officer may result in immediate suspension of the business license and subsequent revocation;
- (10) A clear photograph showing the head and shoulders of the applicant, two (2) by three (3) inches in size;
- (11) The physical description of the applicant;
- (12) Proof that the applicant is at least eighteen (18) years of age;
- (13) The fingerprints of the applicant and other evidence as will enable an investigator to properly evaluate the character and business responsibility of the applicant;
- (14) A statement as to whether or not the applicant, or any of the persons having an interest in the enterprise, has been convicted of a felony or misdemeanor, and if so, the

nature of the offense and the date the sentence, penalty, or other obligation was completed;

(15) A statement as to whether or not the applicant, or any of the persons having an interest in the enterprise, is required to register under the provisions of Section 290 of the California Penal Code.

**6.80.040 - Investigation.**

(a) Upon completion of such application, the original shall be submitted to the sheriff, who shall cause the investigation of the applicant's business and moral character to be made, as is deemed necessary for the protection of the public good.

(b) The sheriff shall have an automatic thirty (30) days after receipt, of the application for review, to respond to the tax collector.

(c) In the absence of any response from the sheriff within the time limit specified herein, the tax collector, upon presentation of the receipt from the applicant showing that the time limit has been exceeded, must assume a favorable response by the sheriff, and proceed with the processing of the license application accordingly.

(d) In an extraordinary case, for good cause shown, the tax collector may allow the sheriff more time than is stated in this section to complete its review and recommendation to the tax collector.

**6.80.050 - Recommendation for denial of application.**

(a) If, as a result of the investigation, the grounds for denial of a license pursuant to Section 6.08.006 are present, the sheriff shall return a copy of the application, together with a recommendation for denial, to the tax collector, who shall notify the applicant that the application has been denied.

(b) Any person whose application has been denied shall have the right to a hearing and/or appeal as provided under Sections 6.08.170 and 6.08.180 of this title.

**6.80.060 - Application approval.**

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the sheriff shall approve the application for the carrying on of the business applied for and send notice of the approval of the application to the tax collector.

**6.80.070 - Prerequisite to issuance.**

The application for a body art establishment business license must be presented to the health officer, and the applicant must obtain a health permit, in relation to the business, as a prerequisite to the issuance of a license.

**6.80.080 - Contents of issued license.**

- (a) Every business license for body art establishment issued shall state:
  - (1) the name of the person, firm, association, or corporation to which it is issued,
  - (2) that the license is issued for a body art business,
  - (3) the location of the body art business,
  - (4) the date of issuance,
  - (5) the period of time for which it is issued,
  - (6) the license fee received, and
  - (7) the expiration date.
- (b) Each license issued shall also state any special restrictions or conditions that may limit the business.
- (c) The business license shall be sealed by the tax collector.

**6.80.090 - Expiration of license.**

- (a) All licenses issued under this title shall expire as set forth in Section 6.08.030 of this title, and are renewable as set forth in Section 6.08.090.
- (b) All renewals of body art establishment licenses shall be conditioned upon proof of completion of annual registration with the county health officer.

**6.80.100 - Display of licenses required.**

The owner or operator of a body art business shall display the body art establishment license in a conspicuous place on the premises.

SECTION 13: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 14: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereto. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at the regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing ordinance is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

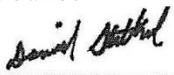
ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors, County of San Luis Obispo

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
\_\_\_\_\_  
Deputy County Counsel

Date: March 27, 2015