

ARTICLE 1. - APPLICATION, FEES AND ISSUANCE, REVOCATION, APPEALS

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Sec. 5-2-1. - Issuing officer.

All licenses or permits issued pursuant to this title shall be issued by the issuing officer, who, in the case of licenses or permits for shows, mobile X-ray unit operators, animal exhibitions, animal rental establishments, kennels, grooming parlors, commercial stables and pet shops shall be the County Health Officer, and in all other cases shall be the Sheriff, unless otherwise specified.

(Code 1961, § 52.011; Ord. No. 2836, § 13, 5-6-75; Ord. No. 98-15, § 31, 12-8-98; Ord. No. 98-15, § 55, 12-8-98; Ord. No. 05-020, § 6, 11-22-05)

Sec. 5-2-2. - Applications.

The issuing officer shall receive all applications for licenses and permits and shall provide application forms as are necessary for the convenience of the public and the economic and efficient administration of this title.

(Code 1961, § 52.012; Ord. No. 05-020, § 7, 11-22-05)

Sec. 5-2-3. - Fees.

The Board of Supervisors shall provide by resolution the amount of each fee to be charged for each application, license or permit, provided that no fee shall be charged for an application or license to operate a mobile X-ray unit. Such fee shall be payable in accordance with the resolution and shall not be refundable.

(Code 1961, § 52.013; Ord. No. 05-020, § 8, 11-22-05)

Sec. 5-2-4. - Duration.

Each license shall be in effect for one (1) year from the date on which it was issued, unless otherwise provided in this title, or by resolution of the Board of Supervisors, or unless renewed or revoked earlier in accordance with this Article.

(Code 1961, § 52.014; Ord. No. 05-020, § 9, 11-22-05)

Sec. 5-2-5. - Reasons for denial.

The issuing officer shall deny the application for a license or permit if he or she finds any of the following:

- (a) That the applicant does not fulfill the specific requirements for such license or permit as set forth in this title.
- (b) That the applicant has made any false or misleading statement or omission of fact in his or her application.
- (c) That the applicant has committed any of the acts delineated in Business and Professions Code § 480, but subject to the limitations on such denial as specified in said statute.
- (d) That the carrying on of the business as described in the application will be detrimental to the public health, safety or welfare.

(Code 1961, § 52.015; Ord. No. 98-15, § 56, 12-8-98; Ord. No. 99-5, § 56, 12-8-98; Ord. No. 05-020, § 10, 11-22-05)

Sec. 5-2-6. - Investigation and issuance.

Prior to issuing a license or permit, the issuing officer shall make an investigation as he or she deems necessary to determine whether the applicant meets the requirements and qualifications for the license or permit, and shall thereafter either issue a license or permit to the applicant or shall notify the applicant in writing that his or her application is denied, setting forth the facts and reasons for the denial. The issuing officer may consult with and ask for a recommendation from any other County officer or department prior to the issuance of any license or permit under this title, and shall, at the request of any County officer or department, supply that officer or department with a copy of the license, permit or application therefor.

(Code 1961, § 52.016; Ord. No. 3957, § 1, 1-23-96; Ord. No. 05-020, § 11, 11-22-05)

Sec. 5-2-7. - Form of license.

The license or permit and each duplicate shall contain the date of issuance, the date of expiration, a designation of the type of license or permit it is, the location or locations of the licensed or permitted activity, the signature of the issuing officer, and such other matters as are specified in this title and as the issuing officer deems appropriate.

(Code 1961, § 52.017; Ord. No. 05-020, § 12, 11-22-05)

Sec. 5-2-8. - Renewal.

Licenses or permits may be renewed on a year-to-year basis provided that the licensee or permittee

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continues to meet the requirements of this Article, unless specifically provided otherwise herein. Renewal applications shall include such information as may be required by the issuing officer to update the information contained in the original license or permit application. Renewal applications must be accompanied with the appropriate filing fee last approved by resolution of the Board of Supervisors.

(Ord. No. 05-020, § 13, 11-22-05)

Secs. 5-2-9—5-2-12. - Reserved.

Sec. 5-2-13. - Inspection.

Every applicant, licensee or permittee shall permit the issuing officer access to any premises or vehicles used in the conduct of the licensed or permitted business at all reasonable times, and to any records required to be maintained by this title, and the issuing officer shall make such inspections thereof as he or she deems necessary from time to time.

(Code 1961, § 52.018; Ord. No. 05-020, § 14, 11-22-05)

Sec. 5-2-14. - Display of licenses or permits.

Each licensee or permittee shall display his or her license, permit or duplicates in a prominent location in each licensed or permitted place of business; or if there is none in Orange County, shall carry the license or permit on his or her person at all times when conducting the licensed or permitted business; or, if a vehicle is licensed, in such vehicle; and each licensee or permittee shall display his or her license or permit to any peace officer requesting to see it.

(Code 1961, § 52.019; Ord. No. 05-020, § 15, 11-22-05)

Sec. 5-2-15. - Multiple licenses; duplicate licenses.

Any person carrying on or conducting more than one (1) of the businesses for which a license or permit is required under this title shall obtain a license or permit for each such business. Any person carrying on a licensed or permitted activity at more than one (1) place of business shall obtain a duplicate license or permit for each place of business.

(Code 1961, § 52.0110; Ord. No. 05-020, § 16, 11-22-05)

Sec. 5-2-16. - Revocation.

Any license or permit issued under the terms of this title may be revoked at any time thereafter by the issuing officer if he or she becomes satisfied that the conduct of the licensed or permitted business does not or will not comport with the public welfare for any reason or that the same has been conducted in an illegal, improper or disorderly manner, or in a manner substantially different from that described in the application, or for any reason for which the license or permit application could have been denied. The issuing officer shall notify the licensee or permittee in writing of the revocation, setting forth the facts and reasons for the revocation.

(Code 1961, § 52.0111; Ord. No. 3957, § 2, 1-23-96; Ord. No. 05-020, § 17, 11-22-05)

Sec. 5-2-17. - Licenses not transferable.

No license or permit issued under the terms of this title shall be transferable, and no such license or

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permit shall be displayed or used in conjunction with any activity other than the licensed or permitted business or by any person other than the licensee or permittee, or his or her employee, nor at any location other than that indicated on the license, permit or application.

(Code 1961, § 52.0112; Ord. No. 05-020, § 18, 11-22-05)

Sec. 5-2-18. - Temporary permits.

The issuing officer may, in his or her discretion, upon the filing of a completed application for a license or permit pursuant to this title, issue one (1) temporary permit to conduct the business described in the application for a period not to exceed sixty (60) days.

(Code 1961, § 52.0113; Ord. No. 05-020, § 19, 11-22-05)

Sec. 5-2-19. - Appeals.

(a) Any applicant, licensee or permittee may appeal the denial or revocation of a license or permit. The appeal shall be commenced by filing a notice of appeal consisting of a verified written declaration of the person appealing which must be received by the Clerk of the Board, with a copy to the issuing officer, within thirty (30) days from the mailing date of the denial or revocation notice. The declaration shall set forth each fact on the basis of which it is claimed that the denial or revocation action was improper. A copy of the denial or revocation notice shall be attached to the notice of appeal.

(b) The appeal shall be heard by a Hearing Officer, who shall preside over the hearing, take evidence regarding the appeal and determine whether, on the basis of a preponderance of the evidence, the action appealed from shall be upheld. The burden of proof shall be on the person appealing the denial of a license or permit. The burden of proof shall be on the issuing officer in an appeal from the revocation of a license or a permit. The decision of the Hearing Officer shall be final.

(c) No license or permit granted herein shall confer any vested right to any person or business for longer than the license or permit term.

(Ord. No. 3957, § 3, 1-23-96; Ord. No. 05-020, § 20, 11-22-05)