

Meeting Date: 01/07/14 (7)

ORDINANCE NO. 10312 (N.S.)

AN ORDINANCE AMENDING TITLE II OF THE SAN DIEGO  
COUNTY REGULATORY CODE  
RELATING TO LICENSES, BUSINESS REGULATIONS  
AND BUSINESS TAXES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The purpose of this ordinance is to update and clarify language as part of the ongoing sunset review of Title II of the County's Regulatory Code as it relates to the Licenses, Business Regulations and Business Taxes. The requested actions represent changes to align with current practices, terminology and references.

Section 2. Section 21.108 of the San Diego County Regulatory Code relating to the "Uniform Licensing Procedure" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Chapter 3 of Division I of Title II of the San Diego County Regulatory Code relating to "Taxicabs and Taxicab Operators" is hereby amended in part as follows:

#### SEC. 21.301. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Medallion" means the pre-numbered decal placed on a taxicab by the Issuing Officer annually, signifying that the "taxicab operator" is authorized to operate the vehicle as a taxicab in the unincorporated areas of the County.

(b) "Posted rate" means the rate the operator has registered with the Issuing Officer for transporting passengers and which is posted in the taxicab. The "posted rate" includes flat rate fares and the fares at which the taximeter has been calibrated and inspected by the Sealer of Weights and Measures.

(c) "Taxicab" means a motor vehicle as the term is defined by the California Vehicle Code, used for transportation of passengers for hire, equipped with a taximeter. A taxicab shall be a vehicle designed to transport no more than eight passengers, excluding the driver.

(d) "Taxicab driver" means any person who drives or controls the movements of a taxicab.

(e) "Taxicab driver's identification card" means the annual license issued to a taxicab driver under this chapter authorizing the driver to operate a taxicab in the unincorporated area of the County.

(f) "Taxicab operator" means a person engaged in the taxicab business.

(g) "Taxicab operator's license" means the annual license issued by the Issuing Officer authorizing a taxicab operator to pick up passengers in the unincorporated areas of San Diego County.

(h) "Taxicab permit" means the annual permit issued by the Issuing Officer to a taxicab operator for each taxicab that has satisfactorily passed inspection.

(i) "Taxicab stand" means an area designated by the County Road Commissioner for the exclusive use by taxicabs to load or unload passengers or to park or stand while waiting for employment by passengers.

(j) "Taximeter" means a device on the inside of a taxicab that is calibrated to calculate the fare earned by the taxicab operator for transporting passengers.

#### SEC. 21.302. TAXICAB OPERATOR'S LICENSE.

The taxicab operator's license is governed by sections 21.101 to 21.117 and any additional conditions in this chapter. In addition to the grounds for denying a new or renewal license provided in sections 21.108 and 21.109 respectively, the Issuing Officer may deny a new or renewal taxicab operator's license if the applicant does not have the insurance coverage required by this chapter. The Sheriff shall be the Issuing Officer for licenses under this section and for taxicab driver's identification cards required by section 21.307.

#### SEC. 21.303. ADDITIONAL REASONS FOR REVOCATION OR SUSPENSION OF TAXICAB OPERATOR'S LICENSE.

In addition to the reasons in section 21.112 for revoking or suspending a taxicab operator's license the Issuing Officer may revoke or suspend the license if the operator, his agents, or employees are responsible for any of the following:

(a) Charging or demanding a passenger pay a fare exceeding the posted rate.

(b) Driving or controlling the movements of a taxicab without a valid driver's identification card issued pursuant to this code.

(c) Allowing a person to drive or control the movements of a taxicab without a valid driver's identification card issued pursuant to this code.

(d) Operating or allowing another person to operate a taxicab without the insurance coverage required by this chapter.

(e) Operating or allowing another person to operate a taxicab that has not been issued a valid taxicab permit or a valid medallion by the Issuing Officer.

(f) Operating a taxicab without a current taximeter registration certificate issued by the Sealer of Weights and Measures or without the registration certificate in the vehicle.

(g) Violating any other provision of this code.

#### SEC. 21.304. REGULATION OF TAXICAB OPERATORS.

(a) It shall be unlawful for any taxicab operator to refuse a prospective or actual fare, take any action to actively discourage a prospective or actual fare or refuse to dispatch a driver:

(1) Based on any discriminatory means, including race, creed, color, age, sex, national origin, disability, sexual orientation, gender identity or military status of any prospective passenger.

(2) Based upon the length of any trip if the trip is within the area normally serviced by the operator.

(b) A taxicab operator shall require taxicab drivers using the operator's taxicabs to maintain trip logs and turn them in at least once a week, as required by section 21.315(n). A taxicab operator shall maintain the trip logs for one year from the date they are turned in and shall have them available for inspection by the Issuing Officer.

#### SEC. 21.305. INSPECTION OF TAXICABS.

(a) It shall be unlawful for a taxicab operator to operate a taxicab unless the taxicab has passed an initial inspection either by the Issuing Officer or another person approved by the Issuing Officer. The inspection may include but not be limited to the taxicab operating conditions listed in this chapter and any other conditions the Issuing Officer reasonably determines a taxicab must comply with to operate safely. If the taxicab passes the initial inspection the Issuing Officer shall issue a taxicab permit for one year.

(b) After passing the initial inspection a taxicab shall pass an annual inspection to satisfy the same conditions required by the initial inspection. It shall be unlawful for a taxicab operator to operate a taxicab that has not passed its annual inspection and been issued an annual permit.

(c) If the Issuing Officer is satisfied that a taxicab has passed an inspection required by this section the Issuing Officer shall issue an annual taxicab permit and affix a medallion on the vehicle authorizing the operator to place the taxicab in service for one year.

(d) It shall be unlawful for any person other than the Issuing Officer or his designee to place a medallion on or remove a medallion from a taxicab. It shall also be unlawful to tamper with or alter a medallion.

(e) The absence of a medallion on a taxicab that complies with paragraph (c) above shall be prima facie evidence in a proceeding to suspend or revoke a taxicab operator's license for operating a taxicab without a valid medallion.

#### SEC. 21.306. CONDITION OF TAXICABS.

(a) The taxicab operator shall not allow any taxicab to remain in service unless the vehicle meets all the minimum requirements to pass inspection contained in paragraph (b) below.

(b) The minimum requirements for the initial inspection and annual inspections that all taxicabs must meet are as follows:

(1) Hubcaps or wheel covers are on all wheels for which hubcaps or wheel covers are standard equipment.

(2) There are no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers and light trim are securely fixed to the vehicle. No taxicab has extensive un-repaired body damage. The vehicle is equipped with front and rear bumpers. The exterior of the vehicle is in a reasonably clean condition so as not to obscure the company or owner's name on the vehicle and any number assigned to the vehicle.

(3) The vehicle is painted and marked in accordance with the color scheme approved by the Issuing Officer. Paint and markings are not faded or deteriorated in such a manner as to preclude immediate recognition of the approved color scheme, the company or owner's name and any number assigned to the vehicle.

(4) Headlights are operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights are all operable.

(5) The vehicle is equipped with adequate windshield wipers maintained in good operating condition.

(6) All brake systems are operable.

(7) Excessive play in the steering mechanism does not exceed three inches free play in turning the steering wheel from side to side.

(8) The engine compartment is reasonably clean and free of uncontained combustible materials.

(9) Mufflers are in good operating condition.

(10) The windshield is without cracks or chips that could interfere with the driver's vision. All other windows are intact and able to be opened and closed as intended by the manufacturer. The windows and windshield are in a reasonably clean condition so as not to obstruct visibility.

(11) All door latches and door handles are operable from both the interior and exterior of the vehicle.

(12) The vehicle's suspension system does not sag because of weak or broken springs or excessive motion when the vehicle is in operation, due to weak or defective shock absorbers.

(13) All seats are securely fastened to the vehicle. Seat belts, when required by the California Vehicle Code, are installed. The upholstery is free of grease, holes, rips, torn seams and burns.

(14) The interior of each vehicle and the trunk or luggage area is in a reasonably clean condition, free of foreign matter, offensive odors and litter. The seats are reasonably clean and without large wear spots. The door handles and doors are intact and clean. The trunk or luggage area is empty except for a spare tire, a personal container for the driver not exceeding one cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

(15) The tires comply with the California Vehicle Code.

#### SEC. 21.307. TAXICAB DRIVER'S IDENTIFICATION CARD – REQUIREMENTS AND ADDITIONAL GROUNDS FOR DENIAL.

(a) It shall be unlawful for any taxicab driver to pick up or discharge passengers in the unincorporated areas of the County of San Diego without first obtaining a taxicab driver's identification card from the Issuing Officer. The Issuing Officer may issue an applicant a temporary identification card for up to 90 days, while an investigation is pending.

(b) To be eligible for a taxicab driver's identification card a person must be at least 18 years of age, have a valid California vehicle operator's license, have successfully completed a drug screening test pursuant to Government Code section 53075.5(b)(3) and have obtained employment with at least one licensed taxicab operator. A taxicab driver may be employed by up to four licensed taxicab operators at one time, including being self-employed.

(c) In addition to the reasons for denying a new license under section 21.108 or a renewal license in section 21.109, the Issuing Officer may deny an applicant a taxicab driver's identification card if the Issuing Officer determines that:

(1) The applicant has been convicted of an offense requiring the applicant to register as a sex offender under Penal Code section 290 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of passengers.

(2) The applicant has been convicted of an offense requiring registration for violation of the Uniform Controlled Substances Act pursuant to Health and Safety Code section 11590 and notwithstanding the time that has elapsed since the conviction the applicant presents a threat to the safety of passengers.

(3) The applicant has within five years of the date of the application been convicted of any of the following motor vehicle offenses: operating a motor vehicle under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, reckless driving, fleeing from a police officer or failing to fulfill the duty required after being involved in a motor vehicle accident involving property damage, injury or death.

(4) The applicant has within five years of the date of the application been convicted of assault or battery.

(5) The applicant addicted to any substance prohibited by the Uniform Controlled Substances Act (Health and Safety Code Section 11000 et seq.) unless the applicant is enrolled and successfully participating in a drug treatment program approved by the Court.

(6) The applicant within 12 months of the date of the application, has been convicted of, or held by any final administrative determination to have committed an act listed in section 21.315 below that would be grounds for suspending or revoking a taxicab driver's identification card.

(d) The Issuing Officer may also require an applicant to demonstrate that the applicant is knowledgeable about the provisions of this chapter, State and local traffic regulations and geography of the County, in order to qualify for the identification card.

#### SEC. 21.308. TAXICAB DRIVER'S IDENTIFICATION CARD – TERMS.

(a) A taxicab driver's identification card shall be valid for one calendar year from the date it is issued. If the Issuing Officer suspends the card, it shall not extend the one-year term.

(b) The identification card may be renewed within the 30 days prior to its expiration date by submitting a renewal application with the Issuing Officer.

(c) The identification card shall contain the taxicab driver's full name, date of birth, physical description, thumbprint, names of the companies he works for, expiration date and be laminated.

(d) A new laminated taxicab driver's identification card shall be issued each time a valid identification card must be replaced because it is lost, damaged or the driver changes employers

between the date of issue and the date of expiration. The driver must pay the renewal fee as provided by section 21.1901 to cover the cost of the new card.

#### SEC. 21.309. NOTICE OF TAXICAB DRIVER'S CHANGE OF EMPLOYMENT.

At least once a month every taxicab operator shall notify the Issuing Officer in writing of the name and driver's identification card number of each taxicab driver who has left the taxicab operator's employment or is no longer driving for his or her company.

#### SECTION 21.310 ADDITIONAL REASONS FOR REVOCATION OR SUSPENSION OF TAXICAB DRIVER'S IDENTIFICATION CARD.

In addition to the reasons stated in section 21.112 for suspending or revoking a license the Issuing Officer may suspend or revoke a taxicab driver's identification card if the driver commits an act in section 21.307(c) or:

- (a) Has a driving record showing a violation point count as provided by California Vehicle Code sections 12810 and 12810.5,
- (b) Alters, tampers with or duplicates a taxicab driver's identification card,
- (c) Displays or causes to be displayed or has in his possession any taxicab driver's identification card of the type described in paragraph (b) above,
- (d) Fails to comply with section 21.315 of this chapter or any other section of this chapter that regulates the conduct of taxicab drivers,
- (e) Has his California driver's license suspended or revoked,
- (f) Has his taxicab driver's privileges suspended or revoked by any other jurisdiction in San Diego County that regulates taxicab drivers in its jurisdiction, or
- (g) Fails to promptly obey all lawful orders or instructions of any peace officer, or fire department official or regulating official.

#### SEC. 21.311. INSURANCE REQUIRED.

(a) It shall be unlawful for any person to operate a taxicab business within the unincorporated areas of the County unless the person has in effect insurance coverage issued by a company authorized to transact insurance business in the State of California with coverage amounts that meet the requirements of paragraph (b) below. The insurance coverage required by this section shall insure the public against any loss or damage that may result to any person or property from the operation of all taxicabs used by the operator in the operator's business. A taxicab operator shall furnish the Issuing Officer with a certificate of insurance coverage as a prerequisite to obtaining a taxicab operator's license. The certificate shall provide that the insurer will notify the Issuing Officer in writing of any policy cancellation and the notice shall be



sent to the Issuing Officer by registered mail at least 30 days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issue date.

(b) The insurance shall provide coverage for each taxicab in an amount not less than \$1,000,000 per occurrence, combined single limit for bodily injury and property damage.

(c) In addition to the requirements in subsection (a) of this section, insurer must also meet the following criteria:

- (1) Admitted in California by the California Department of Insurance;
- (2) Insurers must have an A.M. Best Company Financial strength rating of A- (excellent), or better; and
- (3) All companies must have a financial size category of not less than VII (seven-\$50-\$100 million), or similar Standard and Poors rating.

#### SEC. 21.312. TAXICAB, COLORS AND COMPANY NAMES.

(a) Each taxicab operator shall have his taxicab(s) painted a distinctive color or colors approved by the Issuing Officer and shall have permanently affixed to each taxicab the operator's name or the name under which the operator does business. If the operator has more than one taxicab, each taxicab shall be numbered. The color scheme of a taxicab may not be changed without the prior written permission of Issuing Officer.

(b) It shall be unlawful for any person to knowingly modify or alter any taxicab with the intent to deceive the public as to the taxicab operator's identity or to conceal the fact that a vehicle is a taxicab.

#### SEC. 21.313. TAXICAB FARES.

(a) A taxicab operator shall file with the operator's license application a statement of the "posted rate" the operator charges to transport passengers. The "posted rate" shall apply to all taxicabs operated under the taxicab operator's license. Posted rates shall be in effect for not less than three months. The operator shall file a rate amendment with the Issuing Officer at least 14 days before any new "posted rate" is to take effect.

(b) The operator shall prominently post the rate schedule on the interior of both rear doors of all taxicabs in letters at least one inch high. The rates shall be in dollars and cents and shall be broken down as follows:

- (1) Flag drop rate
- (2) Travel charge rate
- (3) Time charge rate

(c) The fare shall be displayed on a taximeter in dollars and cents. The figures that display the fare shall be easily readable by persons in the passenger compartment of the taxicab.

(d) It shall be unlawful for a passenger who has hired a taxicab to refuse to pay the fare.

(e) It shall be unlawful for the taxicab operator or the taxicab driver to request the passenger pay a fare in excess of the posted rate.

(f) Every taxicab operator, driver, agent and employee shall accurately state the "posted rate" in effect in response to any inquiry.

#### SEC. 21.314. TAXIMETERS.

(a) Every taxicab shall be equipped with a taximeter that has been registered, inspected and sealed by the Sealer of Weights and Measures before a taxicab is placed in service for the first time. A taxicab operator shall also submit every taximeter in the taxicabs it operates to the Sealer for an annual registration and inspection.

(b) It shall be unlawful for a taxicab operator to place a taxicab in service that is not equipped with a taximeter:

- (1) That accurately calculates the approved fare the taxicab operator is authorized by the Issuing Officer to charge.
- (2) That bears a current registration certificate from the Sealer of Weights and Measures.

(c) It shall be unlawful for a taxicab driver:

(1) To transport passengers for a fee in any taxicab that is not equipped with a taximeter.

(2) To transport passengers for a fee in any taxicab equipped with a taximeter that does not have a current registration certificate from the Sealer of Weights and Measures.

(3) To knowingly charge a passenger a fee that has been inaccurately calculated by a taximeter.

(d) The Issuing Officer may inspect any taximeter at any time.

(e) The Issuing Officer shall revoke the taxicab permit and order any taxicab operator to remove a taxicab from service that is without a taximeter, has a taximeter that does not have a current registration certificate from the Sealer or that does not accurately calculate fares. It shall be unlawful for any taxicab operator to fail to comply with an order from the Issuing Officer to remove a taxicab from service.

#### SEC. 21.315. REGULATIONS APPLICABLE TO TAXICAB DRIVERS.

(a) A taxicab driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(b) A taxicab driver shall provide a receipt to any passenger who requests one after the passenger pays the fare. The receipt shall indicate the beginning and ending points of the trip, the fare charged, the date, the operator's name, and the vehicle number, and shall be signed by the driver.

(c) No person shall solicit passengers for taxicabs other than the taxicab driver. The taxicab driver, however, may not leave the taxicab to solicit passengers. The Issuing Officer may authorize a dispatcher to solicit passengers as a system of loading of passengers at such times and places as in the Issuing Officer's discretion public service and traffic conditions require.

(d) No taxicab driver shall transport more persons, including the driver, than the manufacturer's rated seated capacity for the vehicle. A taxicab driver shall also not transport luggage or other items exceeding the vehicle's storage volume or load-carrying capacity.

(e) It shall be unlawful for any taxicab driver to allow a taxicab to remain standing in an established taxicab stand unless the driver remains within twelve feet of any portion of the established taxicab zone, or unless the taxicab driver is assisting passengers to load or unload.

(f) No taxicab driver shall knowingly pick up a person who has summoned a taxicab of a competitive taxicab company without informing the person that he does not represent the taxicab company the person summoned.

(g) No taxicab driver, who has been hired by a passenger, shall pick up any additional passenger without the consent of the original passenger.

(h) A taxicab driver shall not operate a taxicab unless he has affixed his driver's identification card in a prominent location inside the taxicab, visible to passengers in the passenger compartment. A taxicab driver while working shall display the name and photo identification badge issued to him by the Issuing Officer. The driver shall prominently display the badge on the outside front of the driver's clothing, between the waist and shoulders.

(i) It shall be unlawful for a taxicab driver to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin or disability. A taxicab driver may, however, refuse a prospective or actual fare if it is readily apparent to the driver that a person presents a hazard to the driver. A taxicab driver is also not obligated to transport any person who is verbally or in any other way abusive to the driver.

(j) It shall be unlawful for a taxicab driver to refuse or discourage a prospective fare based upon the length of the trip if the trip is within the area normally serviced by the taxicab operator who employs the driver.

(k) A taxicab driver shall assist a passenger with loading or unloading a reasonable size, number, and type of passenger luggage or other items, when requested by a passenger. A driver, however, is not required to lift any single item that exceeds 25 pounds. The requirement to assist with loading or unloading shall be limited to retrieving or depositing items onto the nearest curbside adjacent to a legally parked taxicab. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE." A driver with a lawful disability that prevents him from handling items may submit proof of disability to the Issuing Officer requesting relief from the requirement to assist passengers with luggage. If approved by the Issuing Officer, the driver may affix a small sign either in the passenger section of the vehicle to be visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(l) A taxicab driver may seek passengers by driving on a public street, but may not travel at a speed or in a manner that interferes with or impedes traffic.

(m) A taxicab driver shall display an "out of service" sign when the taxicab is not available for hire. The sign must be located inside the vehicle to be visible and readable from outside the vehicle at a distance of at least 10 feet away.

(n) A taxicab driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer. The trip log shall show the driver's name, taxicab number, date, time, origin and destination of each trip, and fare charged. The logs shall have

ruled lines and columns sufficient to include all required information and the entries shall be in black or dark blue ink. The driver shall submit his trip logs to the taxicab operator at least once a week.

(o) It shall be unlawful for any taxicab driver while transporting passengers to display the flag or device attached to the taximeter in a position indicating the vehicle is available for hire. It shall also be unlawful for the taxicab driver to prevent the taximeter from operating while the driver is transporting passengers. It shall also be unlawful for a taxicab driver to cause the taximeter to record when the taxicab is not employed or to allow the taximeter to continue to record after reaching the passenger's final destination.

(p) While driving or operating a taxicab, drivers shall be hygienically clean, well-groomed and neat and suitably dressed. The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(q) Taxicab drivers shall make every attempt to return lost property left in the taxicab to its owner. If a driver is unable to locate or return the property to its owner, the driver shall contact the Sheriff's Department within 24 hours. Lost property shall be accounted for on a driver's trip sheet next to fare information.

#### SEC. 21.316. BUSINESS TELEPHONE REQUIRED; NOTICE OF CHANGE.

(a) The permit holder shall maintain a business telephone in working order which must be answered during normal business hours, Monday thru Friday, and during all hours of operation.

(b) The permit holder shall, in case of any change of his or her business address, mailing address, or business address, notify the Issuing Officer in writing of such change within forty-eight(48) hours of the effective date of this change.

Section 4. Section 21.501 and 21.556 of the San Diego County Regulatory Code relating to "Solicitation" is hereby amended to read as follows:

#### SEC. 21.501. DEFINITIONS.

For the purpose of this article the following definitions shall apply:

(a) A "certified farmer's market" means a location approved by the San Diego County Agricultural Commissioner where a "certified producer" may sell California agricultural products directly to consumers.

(b) A "certified producer" means a California farmer who is authorized by any county agricultural commissioner to sell agricultural products grown on land the producer controls, at a "certified farmer's market."

(c) "Goods" means any article of commerce, including merchandise, foodstuffs and publications other than "newspapers."

(d) "Interviewer" is a person who visits one or more residences or places of business or sets up a temporary location in a public place, to gather information through personal contact with individuals.

(e) "Newspaper" means a publication issued at regular and usually close intervals, especially daily or weekly, and commonly containing news, comment, features, and advertising.

(f) "Services" means any act performed for the benefit of another under some arrangement or agreement whereby such act was to have been performed.

(g) "Solicitor" means a person who travels from place to place, to public places or events to which the public is admitted, to sell, offer for sale, deliver or give away, any "services" or "goods" or any item redeemable for goods, for immediate or future delivery. A "solicitor" also includes an "interviewer." For the purpose of this article, "solicitor" does not include a person who only contacts individuals by telephone.

(h) "Solicitor's license" means the license authorizing a person to engage in the activities as a "solicitor" in the unincorporated areas of the County.

(i) "Temporary stand" means a table, booth, cart, vehicle or other portable or mobile device from which a "solicitor" sells and/or distributes goods.

#### SEC. 21.556. REGISTRATION REQUIRED.

A charitable organization intending to solicit contributions regulated by this article shall, before presenting a solicitation, complete a registration form with the Sheriff that provides the following:

(a) A copy of the disclosure statement required by section 21.554(a);

(b) The full name, mailing and address and telephone number of any person who will receive any pecuniary compensation or consideration for soliciting contributions on the charitable organization's behalf. If the person identified is not an individual, the charitable organization shall also provide the full name of any individual who will supervise the solicitation and the full name of any individual who will be making the solicitation. If the person soliciting on the organization's behalf is required to register with the State the organization shall also provide proof the person is complying with all State law requirements.

(c) The means by which the charitable organization intends to make the solicitations.

(d) The beginning and ending dates for the proposed solicitations and the hours of the day when the solicitations will be made.

(e) Proof of exemption from taxation of the California Revenue and Taxation Code as a non-profit organization.

Section 5. Section 21.705 of the San Diego Regulatory Code relating to "Pawnbrokers and Secondhand Dealers" are hereby amended to read as follows:

**SEC. 21.705. SHERIFF TO MAINTAIN REPORTS AND MAKE AVAILABLE FOR INSPECTION.**

The Sheriff shall require all dealers to retain one copy of the daily reports pawnbrokers and secondhand dealers are required to provide pursuant to Business and Professions Codes sections 21628, 21629 and 21630 for three years. Any peace officer of this State and any Sheriff's license specialist shall have the right to inspect the reports.

Section 6. Sections 21.801, 21.802 and 21.808 of the San Diego County Regulatory Code relating to "Outdoor Assemblies" are hereby amended to read as follows:

**SEC. 21.801. PURPOSE AND INTENT.**

Unregulated outdoor events can endanger participants and attendees if the events do not provide adequate security, sanitary facilities, drinking water, first aid services, traffic control and other essential services. These events can also negatively impact area residents and businesses. This chapter provides for regulation of events expected to be attended by 350 persons or more to protect the health and safety of attendees, participants, neighbors and the general public. Events attended by less than 350 persons may be subject to other chapters of this code depending on the nature of the event.

**SEC. 21.802. DEFINITION.**

"Outdoor assembly" means an outdoor event to which members of the public are invited or admitted and which the event organizer can reasonably expect the total number of attendees over the course of the event will be 350 persons or more. This section, however, does not apply to an event:

- (a) Conducted by the owner or tenant of a permanent facility for which the County has issued a use permit and the use permit authorizes the owner or tenant to conduct an outdoor assembly,
- (b) Conducted by a public agency on property it owns or controls, which is authorized pursuant to a permit, license, or lease to conduct the event, or
- (c) For which a permit has been issued pursuant to Title 2, Division 1, Chapter 2 of this code.

**SEC. 21.808. SECURITY PERSONNEL.**

An outdoor assembly shall have a minimum of three (3) security personnel in attendance at all times for up to 350 attendees. An outdoor assembly that is projected to exceed 350 attendees at any time shall have present a minimum of one additional security person for each, up to 100 additional attendees, projected to be present at the event. The Issuing Officer may, as a condition to issuing the license for the assembly, require more than the minimum security personnel, if the Issuing Officer determines that additional security personnel are necessary to protect the health and safety of attendees and/or the community

Section 7. Chapter 12 of Division 1 of Title II of the San Diego County Code relating to "Firearms Dealers" is hereby amended in part to read as follows:

#### SEC. 21.1201. PURPOSE AND INTENT.

California Penal Code sections 16130-34205 regulate the sale of firearms and provide that the duly constituted licensing authority of a county shall accept applications for and may grant licenses permitting licensees to sell firearms at retail within its jurisdiction. This chapter appoints the Sheriff as the licensing authority for retail firearms sales in the unincorporated area of the County and implements these sections of the Penal Code applicable to the County.

#### SEC. 21.1202. DEFINITIONS.

For the purposes of this chapter the following definitions shall apply:

- (a) "Firearm" means any device defined as a firearm in Penal Code section 16520.
- (b) "Firearms dealer" means a person who meets the requirements of Penal Code section 26700 and to whom a license has been issued pursuant to this chapter.
- (c) "Firearms dealer employee" means a person who works for a firearms dealer as an agent, employee or representative.

#### SEC. 21.1203. LICENSE REQUIRED.

The licensing authority for firearm dealers in the unincorporated area of the County is the Sheriff. It shall be unlawful for any person to sell, lease or transfer a firearm in the unincorporated area of the County without a license issued by the Sheriff pursuant to Penal Code sections 16130, 16400, 16550, 16810, 17110, 26700-26915(inclusive). This section shall not apply to a firearms transaction excluded under Penal Code sections 16620, 16730 (a) & (c), 16960, 17310, 26500-26588 (inclusive). A person requesting a license under this chapter shall submit an application on a form provided by the Sheriff. A firearms dealer's license is governed by sections 21.101- 21.117 and any additional conditions in this chapter.

#### SEC. 21.1204. MINIMUM AGE FOR FIREARMS DEALER.

The minimum age to be a firearms dealer is 21.



#### SEC. 21.1205. ADDITIONAL GROUNDS FOR DENIAL OF LICENSE.

In addition to the grounds for denial of a license under section 21.108 the Sheriff may deny a firearms dealer's license if the dealer fails to meet any requirement under Penal Code section 16130, 16400, 16550, 16810, 17110, 26700-26915 (inclusive) or if the Sheriff determines the applicant:

(a) Is disqualified from owning or possessing a firearm under federal, State or County laws or regulations.

(b) Has within five years preceding the date of the application been convicted of any offense relating to the manufacture, sale, possession, use or registration of any firearm or any "dangerous weapon" or "deadly weapon," as those terms are defined under federal law, or the law of any state.

#### SEC. 21.1206. CLEARANCE FOR FIREARMS DEALER EMPLOYEE.

(a) No person shall be employed as an employee of a firearms dealer without a written clearance from the Sheriff. An employee of a firearms dealer is required to renew the written clearance from the Sheriff annually.

(b) A person seeking to be employed by a firearms dealer shall submit fingerprints and complete a form provided by the Sheriff. A person requesting clearance under this section shall be subject to investigation under section 21.107. The Sheriff may deny the clearance based upon any of the grounds in sections 21.108 and 21.1205. The Sheriff shall issue or deny the clearance in writing within 30 days after a completed request for clearance has been submitted. The Sheriff may suspend or revoke a person's clearance under this section on any of the grounds for which a license or permit may be suspended or revoked under section 21.112 or otherwise prohibited by law.

(c) It shall be unlawful for a firearms dealer to employ any person who does not have a current clearance from the Sheriff to be a firearms dealer employee.

#### SEC. 21.1207. NO TRANSACTIONS AT UNAUTHORIZED LOCATIONS.

Except as provided in Penal Code sections 16620, 17310, 26505-26588 (inclusive), a firearms dealer shall only conduct firearms transactions at the location specified in the license.

#### SEC. 21.1208. TRANSACTION RECORDS AND INSPECTION.

A firearms dealer shall maintain all firearms transaction records required by federal and State law and have them available for inspection. During business hours, a firearms dealer shall allow any Sheriff's Department employee and any peace officer to inspect firearms transaction records, firearms, firearm accessories and all places where transaction records, firearms and firearm accessories are stored.

SEC. 21.1209. COMPLIANCE WITH REQUIREMENT FOR SECONDHAND GOODS DEALERS.

A firearms dealer licensed under this chapter who acquires a secondhand or used firearm for resale shall comply with B&P sections 21.701- 21.706 and State law requirements for acquisition and sales of secondhand goods.

Section 8. Section 21.2111 of the San Diego County Regulatory Code relating to "Entertainment Establishments" is hereby amended to read as follows:

SEC. 21.2111. EXEMPTIONS.

(a) An organization that participates in a nonprofit community event licensed under sections 21.201 et seq. is exempt from the requirement to obtain a license under this chapter.

Section 9. Section 21.2401 of the San Diego County Regulatory Code relating to "Carnivals and Circuses" is hereby amended to read as follows:

SEC. 21.2401. DEFINITIONS.

For purposes of this chapter the following definitions shall apply:

(a) "Carnival" or "circus" means an event open to the public that offers diverse entertainment, which may include, but is not limited to shows, rides, play areas, animal acts, exhibits and concessions.

(b) "Concession" means a booth or other area within a carnival or circus where event attendees may in exchange for a fee or donation (1) play games of skill or strength in exchange for the opportunity to win a prize, (2) see a show, act, exhibit or attraction, (3) purchase food or merchandise, (4) go on a ride or enter a play area or (5) engage in another form of entertainment.

(c) "Game of chance" means a game whose outcome is determined by use of a device such as dice, cards or some other random selector.

(d) "Game of skill" means a game where the outcome is determined by mental and/or physical skill, rather than by chance.

(e) "Nonprofit organization" means a private nonprofit organization that has been qualified to conduct business in California for at least one year and is exempt from taxation pursuant to sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or 23701w of the Revenue and Taxation Code.

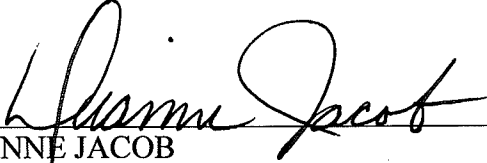
(f) "Operator" shall mean any person who puts on a carnival or circus other than a nonprofit organization defined in paragraph (e) above.

(g) "Play area" means a section of a carnival or circus that contains games, amusement devices, mobile gaming trucks, non-mechanical rides, inflatable devices, animal rides or other interactive entertainment.

(h) "Prize" means anything of value given to a participant at any game concession.

Section 10. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 7<sup>th</sup> day of January, 2014.


  
\_\_\_\_\_  
DIANNE JACOB  
Chairwoman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 7<sup>th</sup> day of January, 2014.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
\_\_\_\_\_  
Christina Gomez, Deputy



Ordinance No. 10312 (N.S.)

01-07-14 (7)