

CHAPTER 1. UNIFORM LICENSING PROCEDURE

SEC. 21.101. LICENSES, PERMITS AND REGISTRATION REQUIRED.

This chapter establishes a Uniform Licensing Procedure and only applies to the activities that require licenses, permits or registration under sections 21.102, 21.103, and 21.103.5 unless this code provides that this chapter or any portion of this chapter regulates other activities. For purposes of this chapter "license" means a license, permit or registration and "licensee" means a licensee, permittee, or registrant. No person other than an applicant for a license shall have any right to challenge a decision to grant, deny, suspend, or revoke a license. It shall be unlawful for any person to engage in any activity listed in sections 21.102, 21.103, and 21.103.5 within the unincorporated area of the County of San Diego:

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

(Amended by Ord. No. 5307 (N.S.), effective 12-21-78; amended by Ord. No. 5493 (N.S.), effective 5-24-79; amended by Ord. No. 5931 (N.S.), effective 11-18-80; Ord. No. 5938 (N.S.), adopted 11-25-80, effective 12-25-80, supersedes Ord. No. 5931; amended by Ord. No. 6408 (N.S.), effective 8-26-82; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9420 (N.S.), effective 2-2-02; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10699 (N.S.), effective 1-7-21)

SEC. 21.102. LICENSE REQUIRED FROM THE SHERIFF.

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

- (a) Amusement Establishment and Devices
- (b) Amusement Ride Centers/Go-Cart Centers
- (c) Bathhouses
- (d) Carnivals and Circuses
- (e) Casino Parties
- (f) Entertainment Establishments
- (g) Entertainment Managers
- (h) Firearms Dealers
- (i) Fortune Telling
- (j) Holistic Health Practitioners
- (k) Junk Yards and Motor Vehicle Wrecking Yards
- (l) Massage Establishments
- (m) Massage Technicians
- (n) Massage Technician Trainees
- (o) Medical Marijuana Operations Certificate
- (p) Merchandise Coupons
- (q) Off-Premises Massage
- (r) Outdoor Assemblies
- (s) Outdoor Assembly Managers
- (t) Pawnbrokers and Second Hand Dealers
- (u) Public Dances
- (v) Solicitors
 - (1) License
 - (2) Identification Card
- (w) Swap Meets
- (x) Taxicab Operators and Taxicab Drivers

- (1) Operator's License
- (2) Driver's Identification Card
- (y) Teen-age Dances

(Amended by Ord. No. 5307 (N.S.), effective 12-21-78; amended by Ord. No. 5493 (N.S.), effective 5-24-79; amended by Ord. No. 5931 (N.S.), effective 11-18-80; Ord. No. 5938 (N.S.), adopted 11-25-80, effective 12-25-80, supersedes Ord. No. 5931; amended by Ord. No. 6408 (N.S.), effective 8-26-82; amended by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9420 (N.S.), effective 2-2-02; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 10102 (N.S.), effective 1-7-11; amended by Ord. No. 10120 (N.S.), effective 3-3-11; amended by Ord. No. 10489 (N.S.), effective 7-27-17)

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

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

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

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

SEC. 21.103.5. LICENSE REQUIRED FROM THE HEALTH OFFICER.

Tobacco Retailing is an activity for which the Health Officer is the Issuing Officer.

(Added by Ord. No. 10699 (N.S.), effective 1-7-21)

SEC. 21.104. APPLICATION PROCEDURE.

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

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

SEC. 21.105. NOT TRANSFERABLE.

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

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

SEC. 21.106. COST OF INVESTIGATION AND FEES.

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

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

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

SEC. 21.107. APPLICATION INVESTIGATION.

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

- (1) Has completely and accurately furnished information on the application or in response to any other request for information made by the Issuing Officer or any other County employee or County department concerning the application.
- (2) Meets all minimum age requirements under federal, State and County laws and regulations.
- (3) Has been convicted of a crime. The Issuing Officer is authorized to obtain the applicant's fingerprints and transmit the fingerprints to the State Department of Justice and Federal Bureau of Investigation (FBI) to obtain the applicant's State and local federal criminal history information.
- (4) Committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit the applicant or another person or to injure another person, or

(5) Committed an act involving moral turpitude.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 21.109. EXPIRATION AND RENEWAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 21.111. POSTING, DISPLAYING OR CARRYING LICENSE.

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

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

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

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

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

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

SEC. 21.112. SUSPENSION OR REVOCATION.

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

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

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

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

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

states:

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

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

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

SEC. 21.113. HEARINGS -- ISSUING OFFICER.

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

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

SEC. 21.114. STAY OF SUSPENSION OR REVOCATION.

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

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

SEC. 21.115. EXCEPTION TO HEARING PROCEDURE.

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

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

SEC. 21.116. APPEAL TO APPELLATE HEARING BOARD.

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

- (1) The name and address of the person filing the appeal,
 - (2) The name of the hearing officer who issued the decision appealed from,
 - (3) The date of the decision,
 - (4) Whether the decision is from a denial or a suspension or revocation of a license,
 - (5) The reasons why the appellant asserts the hearing officer's decision is erroneous.
- (b) The Clerk of the Board will schedule a hearing under section 16.102.

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

SEC 21.117. CONSENT TO COMPLIANCE INSPECTION.

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

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