

ORDINANCE NO. 07-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING VARIOUS SECTIONS IN TITLES 3 AND 5 OF THE ORANGE MUNICIPAL CODE TO DELETE OUTDATED LANGUAGE, UPDATE REFERENCES TO CONFORM WITH CURRENT LAW AND CODE PROVISIONS, AND ACHIEVE INTERNAL CONSISTENCY.

WHEREAS, the Orange Municipal Code requires updates, from time to time, to reflect current administrative or operational procedures adopted by the City; and

WHEREAS, the changes proposed update the Code to delete outdated language, update references to conform with current law and code provisions, achieve internal consistency and otherwise capture general language clean-up.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

1. The subject Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines (Guidelines) Sections 15060(c)(2) and 15060(c)(3) because review and evaluation of potential impact of the Ordinance demonstrate that it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it is not a "project" as defined in Guideline 15378.

2. The subject Ordinance is exempt from CEQA per Guideline 15061(b)(3) because it can be seen with certainty, after review and evaluation of the facts regarding the Zoning Code administrative amendments, that there is substantial evidence that adoption of this Ordinance would not have a significant effect on the environment and the common sense exemption applies.

SECTION II:

Sections 3.04.010 of the Orange Municipal Code, "Revenue and Finance – Real Property Transfer Tax – Transfer of Duties to County Treasurer, Assessor, and Tax Collector," 3.04.020 of the Orange Municipal Code, "Revenue and Finance – Real Property Transfer Tax – Effective Date of Transfer of Duties," 3.04.030 of the Orange Municipal Code, "Revenue and Finance – Real Property Transfer Tax – Deposit and Disposition of Funds," and 3.04.080 of the Orange Municipal Code, "Revenue and Finance – Real Property Transfer Tax – Exemptions from Tax," are hereby amended to read as follows:

3.04.010 – Transfer of Duties to County Treasurer, Assessor, and Tax Collector.

All of the functions and duties of the City Treasurer, with regard to tax collection and of the City Clerk as ex officio assessor relating to the assessment, levy and collection of city taxes for the City, including the collection of delinquent taxes and penalties and the sales of property for nonpayment of taxes, are transferred to the County Treasurer, ~~Assessor and~~ -Tax Collector and County Assessor ~~of the County~~ pursuant to the provisions of the California Statutes of 1949, Chapter 81.

3.04.020 – Effective Date of Transfer of Duties.

The functions and duties mentioned in Section **3.04.010** shall be taken over and performed by the County Treasurer, ~~Assessor and~~ -Tax Collector and County Assessor ~~of the County~~ for the fiscal year 1958-59 and for the succeeding years thereafter.

3.04.030 – Deposit and Disposition of Funds.

All taxes collected or received by the County ~~Assessor,~~ Treasurer - Tax Collector and County Assessor or Auditor ~~of the County~~, for and on behalf of the City, shall be deposited with the County Treasurer to the credit of the City, and shall be remitted to the City Treasurer - Tax Collector and County Assessor, in such amount and as often as can reasonably be done, and upon receipt thereof by the City Treasurer - Tax Collector and County Assessor, the same shall be deposited and disbursed in accordance with law and the ordinances and resolutions of the City.

3.04.080 – Exemptions from Tax.

- A. Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt.
- B. The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.
- C. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
 1. Confirmed under the Federal Bankruptcy ~~Act~~ Code as amended;
 2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in ~~subdivision (m) of~~ Section ~~205~~ 101 of Title II of the United States Code, as amended;
 3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in ~~subdivision (3) of Section 506~~ Section 101 of Title II of the United States Code, as amended; or
 4. Whereby a mere change in identity, form or place of organization is effected.

Subsections (1) to (4), inclusive, of this subsection shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

D. Any tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

1. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79K of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;
2. Such order specifies the property which is ordered to be conveyed;
3. Such conveyance is made in obedience to such order.

E. Realty held by a partnership.

1. In the case of any realty held by a partnership or other entity treated as a partnership for federal income tax purposes, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in ~~a~~ the partnership or other entity otherwise if both of the following occur:

~~1. If such a.~~ The partnership ~~(or another partnership)~~ or other entity treated as a partnership is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of ~~1954~~ 1986; and

~~2. b.~~ If such The continuing partnership or other entity treated as a partnership continues to hold the realty concerned;

~~3.~~ 2. If there is a termination of any partnership or other entity treated as a partnership within the meaning of Section 708 of the Internal Revenue Code of ~~1954~~ 1986, for purposes of this chapter, ~~such~~ the partnership or other entity treated as a partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by ~~such~~ the partnership or other entity at the time of ~~such~~ the termination.

~~4.~~ 3. ~~If a~~ Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection ~~B-E(2)~~, and any transfer pursuant thereto, with respect to the realty held by ~~such~~ a partnership or other entity treated as a partnership at the time of ~~such~~ the termination.

4. No levy shall be imposed pursuant to this chapter by reason of any transfer between an individual or individuals and a legal entity or between legal entities that results solely in a change in the method of holding title to the realty and in which proportional ownership interests in the realty, whether represented by stock, membership interest, partnership interest, cotenancy interest, or otherwise, directly or indirectly, remain the same immediately after the transfer.
- F. Revenue and Taxation Code § 11926 (Inapplicability to deed instrument or writing to beneficiary or mortgagee taken in lieu of foreclosure; exception; notations required on deed, etc., affidavit).
- G. Revenue and Taxation Code § 11927 (Deed, instrument or other writing which purports to transfer, divide or allocate property assets between spouses under judgment of dissolution of marriage, separation or agreement in contemplation of judgment or order).
- H. Revenue and Taxation Code § 11928 (Deed, instrument or other writing for conveyance of realty by state, political subdivision, or agency with agreement for purchaser to reconvey).
- I. Revenue and Taxation Code § 11929 (Deed, instrument or other writing for conveyance of realty by state, political subdivision, or agency of realty financed by obligations issued by a nonprofit corporation).
- J. Revenue and Taxation Code § 11930 (Inter vivos gifts or death; transactions for land, tenements, or realty, or interests therein).

SECTION III:

Section 3.10 of the Orange Municipal Code, “Revenue and Finance – Fees and Charges,” is hereby amended to read as follows:

3.10 – ~~FEES AND CHARGES~~ MASTER SCHEDULE OF FEES

3.10.010 – Purpose.

The purpose of this chapter is to provide a system for periodic and continuous review of fees and charges for services provided by the City to insure that persons who use these services and receive the benefits thereof shall pay for them at rates reasonably consistent with costs of providing such services, including administrative costs.

3.10.020 – Scope.

The provisions of this chapter shall be applicable only to those fees and charges listed in the "Master Schedule of Fees ~~and Charges~~" and those fees and charges which the City Council may consider for inclusion thereon.

3.10.030 – Establishment and Amendment.

The City Council shall establish and maintain a "Master Schedule of Fees ~~and Charges~~" which shall be adopted by resolution. Changes in the "Master Schedule of Fees ~~and Charges~~" shall be made by resolution which shall amend the adopting resolution.

3.10.040 – Review.

The City Council shall review fees and charges annually or at such other times as the Council may deem necessary.

3.10.050 – Chapter Not Construed as Limitation.

Nothing contained in this chapter shall be construed as limiting the power of the City Council to impose or raise fees and charges as authorized by law.

SECTION IV:

Section 3.11.040 of the Orange Municipal Code, "Revenue and Finance – Major Thoroughfare and Bridge Fee Program – Establishing an Area of Benefit," is hereby amended to read as follows:

3.11.040 – Establishing an Area of Benefit.

Action to establish an area of benefit may be initiated by the City Council upon its own motion or upon the recommendation of the Director of Public Works. The City Council shall set a public hearing for each proposed area ~~benefited~~ of benefit.

A. Notice of the time and place of said hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs, and the method of fee apportionment shall be given in the following manner:

1. Notice shall be given at least 10 calendar days before the hearing.
2. Notice shall be published at least once in a newspaper of general circulation within the proposed area of benefit.
3. Notice shall be posted throughout the proposed area of benefit with at least three notices posted at arterial highway intersections within the proposed area of benefit.
4. Notice shall be sent by first-class mail addressed to each property owner within the boundary of the proposed area of benefit.
5. Notice shall be sent by first-class mail to all municipal advisory committees and known homeowners' associations within the proposed area of benefit.

6. Notice shall be sent by first-class mail to any person who has filed a written request therefor with the Director of Public Works. Such request shall apply for the calendar year in which it is filed.

7.

a. At the public hearing the City Council will consider the testimony, written protests, and other evidence. At the conclusion of the public hearing the City Council may, unless a majority written protest is filed and not withdrawn as specified in subsection (7)(c), herein, determine to establish an area of benefit. If established, the City Council shall adopt a resolution describing the boundaries of the area of benefit, setting forth the cost, whether actual or estimated, and the method of fee apportionment. A certified copy of such resolution shall be recorded by the City Clerk with the Orange County Recorder's office.

b. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this chapter, the City Council shall make provisions for payment of the share of improvement cost apportioned to such lands from other sources.

c. Written protests shall be received by the City Clerk at any time prior to the close of the public hearing. If written protests are filed by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented by the protests to less than one-half of the area to be benefited, then the proposed proceedings shall be abandoned, and the City Council shall not, for one year from the filing of said written protests, commence or carry on any proceedings for the same improvement under the provisions of this section. Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the close of the public meeting.

d. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this chapter to construct that portion of the improvement so protested against shall be barred for a period of one year, but the City Council shall not be barred from commencing new proceedings not including any part of the improvement so protested against. Such proceedings shall be commenced by a new notice and public hearing as set forth herein.

e. Nothing in this chapter shall prohibit the City Council, within such one year period, from commencing and carrying on new proceedings for the construction of an improvement or portion of the improvements so protested against if it finds, by the affirmative vote of its members as required in Section 66484.3 of the Government Code (Bridge and Roadway Construction Fees in Orange County), that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such improvement or portion thereof.

8. Fees paid pursuant to this chapter shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the area of benefit is one in which more than one bridge or major thoroughfare is required to be constructed, a separate fund may be established covering all

of the bridge projects or major thoroughfares in the area of benefit. If the area of benefit encompasses one or more bridges and one or more thoroughfares and all lands within the area of benefit are subject to the same proportionate fee for all bridges and thoroughfares, a single fund may be established to account for fees paid. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the City for the costs of constructing the improvement.

9. The City Council may approve the acceptance of other consideration in lieu of the payment of fees established herein.

10. The City Council may approve the advancement of money from the general fund or road fund to pay the costs of constructing the improvements covered herein and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfare funds established pursuant to this section.

11. If the building permit applicant, as a condition of the issuance of the building permit, is required or desires to construct a bridge or major thoroughfare, the City Council may enter into a reimbursement agreement with the applicant. Such agreement may provide for payments to the applicant from the bridge facility or major thoroughfare fund covering that specific project to reimburse the applicant for costs not allocated to the applicant's property in the resolution establishing the area of benefit. If the bridge or major thoroughfare fund covers more than one project, reimbursements shall be made on a pro rata basis reflecting the actual or estimated costs of the projects covered by the fund.

SECTION V:

3.12 FUNDS

Section 3.12 of the Orange Municipal Code, “Revenue and Finance – Funds,” is hereby deleted in its entirety.

SECTION VI:

Section 3.16.040 of the Orange Municipal Code, “Revenue and Finance – Claims Against the City – Claims—Late Filing” and 3.16.050 of the Orange Municipal Code, “Revenue and Finance – Claims Against the City – Claims— Presentation and Contents” are hereby amended to read as follows:

3.16.040 – Claims—Late Filing.

In accordance with Section 935 of the California Government Code, application to file a late claim under this chapter shall be regulated by Sections 911.4-3 through 911.128, inclusive, of the California Government Code. Where an application for leave to present a late claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order

relieving the petitioner from the provisions of this chapter, as provided in California Government Code Section 946.6.

3.16.050 – Claims—Presentation and Contents.

A signed, written claim shall be presented to the City of Orange and any public entity for which the City Council is the governing body, by mailing ~~it~~, ~~or~~ delivering it, or filing it electronically to the City Clerk by the claimant or by person acting on his or her behalf. The claims shall conform to the requirements of Section 910 of the California Government Code or of a form provided by the City, if such form is provided.

SECTION VII:

3.30 MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAM FUND

Section 3.30 of the Orange Municipal Code, “Revenue and Finance – Mobile Source Air Pollution Reduction Program Fund,” is hereby deleted in its entirety.

SECTION VIII:

Section 5.10.010 of the Orange Municipal Code, “Business Taxes and Regulations – Administration – Affidavit Statement of Gross Receipts,” is hereby amended to read as follows:

5.10.010 – Affidavit Statement of Gross Receipts.

A. In all cases where business tax is based upon gross receipts, the taxpayer must submit to the Business Services Coordinator, for his or her guidance in ascertaining the amount of the business tax to be paid by the taxpayer, a written statement, upon a form to be provided by the Business Services Coordinator, written under penalty of perjury, or sworn to before a person authorized to administer oaths, setting forth such gross receipt information concerning the taxpayer's business during the preceding year as may be required by the Business Services Coordinator to enable him or her to ascertain the amount of the business tax to be paid by the taxpayer pursuant to the provisions of this title.

B. Said statement shall be submitted on all business taxes based upon gross receipts on or before 30 days following the anniversary date applicable to such business as before set forth, and any additional sums payable by reason of such statement shall accompany the return or statement. No renewal license shall be issued until the full amount due and payable by reason of the statement and return for the previous year has been paid.

C. In the event that a business taxed under the gross receipts classifications of this code ceases operation before the end of the license period, then the statement shall be submitted on or before 30 days following the ceasing of business. Any additional sums payable by reason of such statement shall accompany such statement. In no event shall any portion of the minimum fee be refundable in the event a business ceases operation.

D. The processing fee and minimum business tax fee payable under the gross receipts classifications shall be due and payable in the case of an original business license before the business license is issued. In the case of a renewal, the business tax fee shall accompany the statement of gross receipts for the prior year on the application for renewal.

E. General contractors or contractors employing subcontractors or other services, ~~whether the provider of said services is state licensed or not,~~ shall be licensed by the Contractors' State License Board and shall furnish the Business Services Coordinator with the names and addresses of the subcontractors or other services and the amount of money which the contractor is paying or proposing to pay to each of ~~his or her~~ their subcontractors or other services. In addition to any other penalties provided by law, in the event the contractor fails, neglects or refuses to provide the Business Services Coordinator with such information on subcontractors, or other services, the contractor shall be jointly and severally liable to pay the amount of the business tax for each subcontractor or other services so employed.

SECTION IX.

Section 5.12.030 of the Orange Municipal Code, "Business Taxes and Regulations – Adjustments – Disabled Veterans," is hereby amended to read as follows:

5.12.030 – Disabled Veterans.

Every ~~honorably discharged soldier, sailor, marine or airman of the United States, who is physically unable to obtain his or her livelihood by means of manual labor and who is a qualified voter of the State,~~ person who is honorably discharged or honorably relieved from the military, naval, or air service of the United States and who is a resident of this state shall have the right to hawk, peddle and vend any goods, wares or merchandise owned by him or her, except spirituous malt, vinous or other intoxicating beverages, without the payment of a business tax, subject, however, to the restrictions, limitations, regulations and conditions set forth in Section **5.66.050**.

A veteran who is honorably discharged or honorably relieved from the Armed Forces of the United States and is a resident of this state shall not be required to pay any local business license fees for a business selling or providing services if the veteran is the sole proprietor of the business.

SECTION X.

Section 5.14.220 of the Orange Municipal Code, "Business Taxes and Regulations – Business Tax Rates – Shows," is hereby amended to read as follows:

5.14.220 – Shows.

Tax for shows (Code Section Reference 5.40.010, 5.70.010, and 5.72.010) shall be as follows:

A. Circus, etc., 4,000 Persons. Tax for a circus or similar exhibition, having a seating capacity of not more than 4,000 persons, except in a recreation park or amusement center, as mentioned in

Section 5.14.200, shall be \$200.00 per day for the first day, and \$100.00 for each succeeding consecutive day that the same is conducted.

B. Circus, More than 4,000 Persons. Tax for a circus or similar exhibition, having a seating capacity of more than 4,000 persons, except in a recreation park or amusement center, as mentioned in Section 5.14.200, shall be \$200.00 per day for the first day, and \$100.00 for each succeeding consecutive day that the same is conducted.

C. Concession. Tax for each stand, concession, show, exhibition or enterprise, other than those specifically mentioned herein, belonging to said carnival or similar business, shall be \$10.00 per day.

D. Ferris Wheel, etc. Tax for a Ferris wheel, scenic railway, merry-go-round, swing, or similar device where a fee is charged or collected for carrying any persons thereon, shall be \$10.00 for the first day and \$5.00 for each succeeding consecutive day that the same is or are so conducted.

E. Novelty Seller. Tax for each person selling flags, banners, balloons, canes, horns, noise-making instruments, badges, souvenirs and other novelties, in connection with said carnival or similar business, other than from a stand, wagon or tent, shall be \$5.00 per day.

F. Sideshow. Tax for a sideshow or after show to a circus or similar exhibition, except in a recreation park or amusement center, as mentioned in Section 5.14.200, shall be \$10.00 per day.

G. Street Show. Tax for a street show, street exhibitions, outdoor entertainment, or similar enterprises, or any tent show where seating accommodations are not provided for, which exhibition, entertainment, enterprise or tent show is not specifically provided for in this chapter and for which a charge is made or collected, shall be \$50.00 per day.

H. Tent Show, Carnival, 1,000 Persons. Tax for each tent show with a seating capacity of not more than 1,000 persons shall be \$25.00 per day.

I. Tent Show, Carnival, 1,000 to 4,000 Persons. Tax for each tent show with a seating capacity of more than 1,000 persons and not more than 4,000 persons shall be \$100.00 for the first day and \$50.00 for each succeeding consecutive day.

J. Tent Show, Carnival, More than 4,000 Persons. Tax for each tent show with a seating capacity of more than 4,000 persons shall be \$200.00 for the first day and \$100.00 for each succeeding day.

K. Tent Show, Not Circus. Every person conducting, managing or carrying on any tent show not otherwise specifically provided for in this chapter wherein seating accommodations are provided for spectators, shall pay the following daily business tax:

1. For each tent show having a seating capacity of not more than 4,000 persons, a daily business tax of \$100.00 for the first day and \$50.00 for each succeeding consecutive day that the same is conducted, managed, or carried on;

2. For each tent show having a seating capacity of more than 4,000 persons, a daily business tax of \$200.00 for the first day and \$100.00 for each succeeding consecutive day that the same is conducted, managed or carried on.

L. Theater, Moving Picture, Vaudeville. Tax on a "motion picture theater" within a building shall be determined based upon the number of screens on which motion pictures are projected. Tax for a theater where motion pictures, or legitimate theater, or vaudeville shows are exhibited, shall be as follows (Code Section Reference 5.15.310):

1. For any such stage or motion picture screen having a seating capacity of less than 1,000 persons, a business tax of \$130.00 per year;

2. For any such stage or motion picture screen having a seating capacity of 1,000 or more persons, a business tax of \$260.00 per year.

M. Theater, Outdoor. Tax for an outdoor theater where moving or motion pictures are exhibited, shall be as follows:

| Number of Stalls | Tax Per Year |
|------------------|------------------------|
| First 500 | \$275.00 |
| All over 500 | \$275.00 per stall |
| | +.40 for each over 500 |

Separate business licenses shall be obtained for snack bars, food stands or other concessions.

N. Theatrical Performance in Clubs.

1. Tax for a theatrical or vaudeville performance or exhibiting any moving or motion pictures in any theater, public hall, clubroom, or assembly hall, for which a charge is made, or donations received, shall be \$15.00 per day.

2. Nothing in this subsection shall be deemed or construed to require the holder of a theater business license issued pursuant to the provisions of the preceding subsection to procure an additional business license to conduct, manage or carry on any theatrical or vaudeville performance or to exhibit any moving or motion pictures at any theater so licensed.

O. Council Discretion to Waive Fees. Notwithstanding any provisions of this code imposing business taxes on any carnival, circus, or similar enterprise, the City Council shall have discretion to waive such taxes in whole or in part for any carnival, circus, or similar enterprise conducted as part of any event declared by the City Council by resolution as having significance for all, or substantially all, of the citizens of the City and which is either regularly celebrated in the City or is a special celebration of city-wide significance unique to the City.

SECTION XI.

Sections 5.15.020 of the Orange Municipal Code, “Business Taxes and Regulations – Definitions – Automobile Dismantler” and 5.15.040 of the Orange Municipal Code, “Business Taxes and Regulations – Definitions – Business License,” are hereby amended to read as follows:

5.15.020 – Automobile Dismantler.

"Automobile dismantler" means any person who has an established place of business and is engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under the **Vehicle Code**, [including nonrepairable vehicles](#) for the purpose of dismantling the ~~same~~ [vehicles](#), who buys or sells the integral parts and component materials thereof, in whole or in part, or deals in used motor vehicle parts. This section does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers' plates from the Department of Motor Vehicles whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12 month period. (See California **Vehicle Code** Section 220.)

5.15.040 – Business License.

"Business license" means ~~business license~~ [a license issued to a business by the City as set forth in Title 5 of the Code.](#)

SECTION XII:

Section 5.15.310 of the Orange Municipal Code, “Business Taxes and Regulations – Definitions – Theater, Motion Picture,” is hereby deleted in its entirety.

SECTION XIII:

Sections 5.16.020 of the Orange Municipal Code, “Business Taxes and Regulations – Uniform Transient Occupancy Tax – Definitions” and 5.16.040 of the Orange Municipal Code, “Business Taxes and Regulations – Uniform Transient Occupancy Tax – Exemptions,” are hereby amended to read as follows:

5.16.020 – Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, ~~bachelor hotel~~, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, short term rental, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms or other living space, or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance with both.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Rent" means the consideration charge, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

"Tax Administrator" means the Director of Finance.

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

5.16.040 – Exemptions.

A. No tax shall be imposed upon:

1. Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose the tax herein provided;
2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty;
3. Charges for food served to transients which are not complimentary to the room rental and are subject to sales tax pursuant to Revenue and Taxation Code Section 7282.3. To be exempt, charges must not be considered "complimentary" as defined by state regulations ~~=~~ or;

[4. Any person whose occupancy is for the official business of their employers pursuant to Revenue & Taxation Code § 7280;](#)

B. No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

SECTION XIV:

Sections 5.32.010 of the Orange Municipal Code, “Business Taxes and Regulations – Business Permits – Terms and Conditions of Issuance – Application” and 5.32.080 of the Orange Municipal Code, “Business Taxes and Regulations – Business Permits – Terms and Conditions of Issuance – Grounds for Denial,” are hereby amended to read as follows:

5.32.010 – Application.

A. Before any business permit is issued to any person, unless otherwise provided in this code, a written application by the applicant shall be made to the Business Services Coordinator. Such application shall contain the following information:

1. The true name of the applicant;
2. The fictitious name or names, if any, of the applicant;
3. The residence address of the applicant;
4. The driver's license number of the applicant;
5. Height and weight and color of eyes and hair of the applicant;
6. Date and place of birth of the applicant;
7. The citizenship of the applicant;
8. The name of the business;
9. The name of the owner of the business, if different from applicant;
10. The business address of the applicant;
11. The name of the proprietor or manager of the business, if different from owner;
12. The residence address of the applicant for the five years immediately preceding the date of the application;
13. Whether the applicant has ever been refused or denied a license or permit or had one revoked; if so, the type of license or permit, the location, the date, and the reason therefor;

14. Business, occupation, or employment of the applicant for the five years immediately preceding the date of the application;

15. All convictions and the reasons therefor;

16. The signature of the applicant.

B. The Business Services Coordinator may also require the above information section [in accordance with Business & Professions Code §16000.1](#) from any person connected or associated with the applicant as partner, director, officer, or stockholder. In addition, any person who is exercising managerial authority of or on behalf of the applicant shall provide the information described in this.

5.32.080 – Grounds for Denial.

The following shall constitute grounds for denial of a permit:

A. The business is prohibited by any local or state law, statute, rule or regulation, or prohibited in the particular location by any [local or state](#) law, statute, ~~or~~ rule [or regulation](#).

B. Except as otherwise provided herein, conviction (including pleas of guilty and nolo contendere) of a felony or a crime involving moral turpitude or a crime which has a substantial relationship to the permitted business, shall be prima facie disqualification of an applicant for the following City business permits:

Ambulances, amusements, antique shop, billiards, circus, coin shop, concealable firearms sellers' permit, escort bureau, dance, entertainment, food-handling business, food-handling facilities, fortunetelling, massage parlor, pawnbroker, second-hand dealer, auctioneer, security business, soliciting, solicitors, special event, special pageant, tow truck, vehicle for hire, and vending machines.

The Business Services Coordinator or Chief of Police, however, may disregard such conviction if it is found and determined by such Business Services Coordinator or Chief of Police that mitigating circumstances exist. In making such determination, the Business Services Coordinator or Chief of Police shall consider the following factors:

1. The type of business permit for which the person is applying;
2. The nature and seriousness of the offense;
3. The circumstances surrounding the conviction;
4. The length of time elapsed since the conviction;
5. The age of the person at the time of the conviction;

6. The presence or absence of rehabilitation or efforts at rehabilitation;

7. Contributing social or environmental conditions.

C. The business has been or is a public nuisance.

D. The applicant, his or her agent or employee, or any person connected or associated with the applicant as a partner, director, officer, stockholder, associate, or manager has committed or aided or abetted in the commission of any act or act of omission which, committed by a permittee would be a ground for suspension or revocation of the permit under this article.

E. The applicant, his or her agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager has been refused a permit or had a permit revoked or suspended by the City, or by any other public agency on any ground on which the City could deny such a permit.

F. The applicant, his or her employee, agent or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit or in any report, or record required to be filed with the Business Services Coordinator or other officer of the City.

G. The applicant, his or her employee, agent, or manager has published, uttered or disseminated any false, deceptive or misleading statements or advertising in connection with the operation of the permitted business.

SECTION XV:

Sections 5.35.140 of the Orange Municipal Code, “Business Taxes and Regulations – Usage of Ambulance Service Licensees – Rules and Regulations” and 5.35.150 of the Orange Municipal Code, “Business Taxes and Regulations – Usage of Ambulance Service Licensees – Complaints,” are hereby amended to read as follows:

5.35.140 – Rules and Regulations.

A. As to all sections of this chapter except Section **5.35.130**, the Health Officer shall make such rules and regulations and as may be necessary to implement this chapter. Prior to adoption, proposed rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

B. As to Section **5.35.130**, the Fire Chief shall make such rules and regulations and as may be necessary to implement this chapter. Prior to adoption, the Fire Chief's rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.

C. The Health Officer or the Fire Chief or their designee(s) may inspect the records, facilities, transportation units, equipment and method of operations of each licensee whenever necessary and, ~~by the Health Officer;~~ [shall perform such inspections](#) at least annually.

5.35.150 – Complaints.

The City, the department, any user, subscriber, or public safety agency ~~or consumer~~ who believes, or has reason to believe, that he or she or another party has been required to pay an excessive charge for services, received inadequate services or services provided were not in compliance with the provision of this chapter, may file a written complaint with the Department setting forth such allegations. The Department shall notify the ambulance service operator of such complaint. The ambulance service operator shall file a written response within 15 calendar days after receipt of notification.

SECTION XVI:

Sections 5.36.010 of the Orange Municipal Code, “Business Taxes and Regulations – Amusements – Permit Required” and 5.36.020 of the Orange Municipal Code, “Business Taxes and Regulations – Amusements – Application for Permit,” are hereby amended to read as follows:

5.36.010 – Permit Required.

No person shall operate any game, amusement center, amusement room, amusement device, amusement exhibition, ~~shuffleboard game~~, or recreational or mechanical amusement device as a business within the City without obtaining a proper permit therefor, as herein provided.

5.36.020 – Permit Required.

Application for a permit to operate any game, amusement center, amusement room, amusement device, amusement exhibition, ~~shuffleboard game~~, or recreational or mechanical amusement device shall be made to the Business Services Coordinator on forms provided by the Business Services Coordinator, which application shall contain the information in Section 5.32.010 and the following additional information:

- A. The address and name of the owner, lessee, and other person in control of the establishment or establishments wherein the game, recreational or mechanical amusement device or devices are proposed to be located;
- B. A statement that the game, recreational or mechanical amusement device or devices for which a permit is sought, is not intended to be, and will not be permitted to be used for any gambling purpose whatsoever;
- C. A complete description of the game, recreational or mechanical amusement device or devices, and the manner in which they are to be placed and operated;
- D. A statement of the applicant's interest in, or title to, the game, recreational or mechanical amusement device or devices for which a permit is sought.

SECTION XVII:

Section 5.41.060 of the Orange Municipal Code, “Business Taxes and Regulations – Coin Shops – Buying, Reporting, and Holding Requirements,” is hereby amended to read as follows:

5.41.060 – Buying, Reporting, and Holding Requirements.

The holding, reporting and identification of coins and currency shall be in conformance with [Division 8](#), Chapter 9, Article 4 of the Business and Professions Code, Section 21625, et seq.

SECTION XVIII:

Sections 5.42.010 of the Orange Municipal Code, “Business Taxes and Regulations – Concealable Firearms Sellers’ Permit – Permit – Required” and 5.42.040 “Business Taxes and Regulations – Concealable Firearms Sellers’ Permit – Standards for Granting Permit,” are hereby amended to read as follows:

5.42.010 – Concealable Firearms Sellers’ Permit – Permit – Required.

The business of selling concealable firearms shall be conducted only under a permit issued by the City and shall be subject to all conditions contained in this chapter ~~and Section 12070 et seq. of the California Penal Code.~~

5.42.040 – Concealable Firearms Sellers’ Permit – Permit – Required.

The Chief of Police shall approve or deny the permit based upon the grounds in Section 5.32.080 and the following criteria:

- A. Proper physical security of the business location to insure that the firearms will not be accessible to unauthorized persons;
- B. The number of existing approved licenses and their locations;
- C. [The location of the business](#) ~~C~~conforms to all zoning requirements; however, it shall not be permitted as a home occupation.

SECTION XIX:

Sections 5.43.120 of the Orange Municipal Code, “Business Taxes and Regulations – Tattooing Establishment and Operation Regulations – Tattooing Operations – Shaving” and 5.43.180 “Business Taxes and Regulations – Tattooing Establishment and Operation Regulations – Tattooing Operations – Discarding of Certain Equipment,” are hereby amended to read as follows:

5.43.120 – Tattooing Operations – Shaving.

No tattooing operation involving shaving shall be performed unless the skin is washed with soap prior to the shaving and unless ~~the blade used in shaving is previously unused and unless the blade holder has been autoclaved since its previous use~~ a single-use, disposable razor is used to shave the procedure site and then discarded into a sharps container.

5.43.180 – Tattooing Operations – Discarding of Certain Equipment.

Operators shall discard the following items immediately after use in any tattooing operation:

~~A. Blades used in shaving;~~

~~B.A.~~ Tubes and gauze used in application of petroleum jelly used for stencils;

~~C.B.~~ Paper cups used for dye or ink.

SECTION XX:

Section 5.43.150 “Business Taxes and Regulations – Tattooing Establishment and Operation Regulations – Tattooing Operations – Use of Approved Dyes,” is hereby deleted in its entirety.

SECTION XXI:

Sections 5.45.010 of the Orange Municipal Code, “Business Taxes and Regulations – Filming Activities – Definitions,” 5.45.070 of the Orange Municipal Code, “Business Taxes and Regulations – Filming Activities – General Permit Conditions,” and 5.45.090 of the Orange Municipal Code, “Business Taxes and Regulations – Filming Activities – Notification and Appeals,” are hereby amended to read as follows:

5.45.010 – Definitions.

As used in this chapter, the following terms shall have the meanings indicated below:

"Charitable or student films" means any filming by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization or is an accredited educational institution, and for which no person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, ~~tapes~~ digital recordings, or photos.

"Commercial films" means all activity attendant to filming any entertainment or advertising programs for any media now known or hereafter created.

"Filming" means all activity attendant to staging or shooting motion pictures, television shows or programs, commercial still photography, ~~video tapes~~ digital recordings, computer-based

programs, or other visual reproduction technology now known or hereafter created. The period of filming includes the setup, strike and time of photography.

"News media" means filming for the purpose of spontaneous, unplanned television news reporting by journalists, reporters, photographers or camera operators.

"Private property" means any property not owned by the City on which filming would not interfere with public right-of-way, access or safety.

5.45.070 – General Permit Conditions.

Any applicant granted a permit pursuant to this chapter shall comply with all of the following conditions:

A. The permittee will be required to submit an application for a permit with sufficient advance notice to allow for the appropriate review of the application. If the filming requested interferes with traffic or may affect public safety, an application shall be submitted at least five business days in advance.

B. The permittee is required to obtain the property owner's and business owner's (if applicable) prior written permission, consent, and/or lease for use of private property.

C. If the permittee requires utilization of public parking to film or to park equipment, trucks, and/or cars in zones that will not permit it, temporary "No Parking" signs shall be posted by the City or the City's designee.

D. For filming that would alter, impair or impact traffic flow, the permittee must use law enforcement personnel designated by the City Manager or designee, which may include County Sheriff; California Highway Patrol or City law enforcement personnel and comply with all traffic control requirements deemed necessary by the City, including, but not limited to the following:

1. The permittee shall furnish and install advance warning signs and any other traffic control devices in conformance with the [CA Manual of Uniform Traffic Control Devices](#), State of California, Department of Transportation. All appropriate safety precautions must be taken;

2. Traffic may be restricted to one 12 foot lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the City's Police Chief or designee, based on location and other factors deemed relevant. When necessary circumstances exist, traffic may be rerouted as provided in a detour plan approved by the City department having jurisdiction;

3. Traffic shall not be detoured across a double line without prior approval of the appropriate City departmental representative;

4. Unless authorized by the City, the camera cars must be driven in the direction of traffic and must observe all traffic laws;

5. Any emergency road work or emergency construction by City crews and/or private contractors, under permit or contract to the appropriate City department, shall have priority over filming activities.

E. Notwithstanding anything to the contrary contained in Chapter 12.58 of this code, the City Manager or designee may restrict the use of, or close, any City street wherever the City Manager or designee considers such restriction of use necessary and appropriate under this chapter.

F. When parking in a City-owned parking lot or City-controlled public parking, the permittee will be billed according to the current rate schedule established by the City. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads must never be blocked without prior approval of the City's Police Chief or designee. No relocation, alteration, or moving of City-owned structures or property will be permitted without prior approval of the City Manager or designee.

G. The permittee shall conduct operations in a neat and orderly fashion and free of debris with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of filming at the scene and restored to its original condition.

H. The permittee shall be liable for any damage suffered by the City resulting from the granting or use of a permit under this chapter and, at the election of the City Manager or designee, shall repair the damage or reimburse the City for all expenses related to such damage.

5.45.090 – Notification and Appeals.

A. The City Manager or designee shall act upon the application in a timely fashion and shall approve or disapprove the application or request additional information within a period of not greater than five business days following the date of filing of the application. The applicant shall be immediately notified of the action of approval, denial or revocation of the permit application or permit issued under this chapter.

1. The notice of denial or revocation shall state the reasons for such action and the appropriate remedy or cure, if applicable.

2. The notification shall be deemed satisfied when the notice is sent by ~~facsimile to the facsimile number listed on the application, or if no number is listed, when notice is placed, postage prepaid in the United States mail addressed to the applicant at the address shown on the permit application~~ mail or electronic mail.

B. An applicant or permittee aggrieved by a decision or action of the City Manager or designee under this chapter shall have the right to appeal any such decision to the City Council.

1. Any appeal shall be filed with the City Clerk within five business days after notice of denial, approval or revocation has been received by the applicant or permittee. The City Council shall act upon the appeal within 28 calendar days of the filing of the appeal.

2. Upon receipt of an appeal, the City Clerk shall set a date for a hearing of the matter and give notice of the date, time and place of the hearing to the applicant/appellant. Prior to such hearing, the City Manager shall transmit to the City Clerk a report of his/her findings and at the City Council hearing shall present all documents on file.

3. The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part, the action that was appealed. The City Council may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this chapter and may waive any requirement of this chapter where it is found to be in the public interest. The City Council shall transmit a copy of its decision to the applicant/appellant.

SECTION XXII:

Sections 5.46.010 of the Orange Municipal Code, “Business Taxes and Regulations – Food Handling Business – Definitions” and 5.46.050 of the Orange Municipal Code, “Business Taxes and Regulations – Food Handling Business – Notice of Violation,” are hereby amended to read as follows:

5.46.010 – Definitions.

The following terms used in this chapter shall have the meanings indicated below. Other terms used in this chapter shall have the same meanings as are set forth in the California ~~Uniform~~ Retail Food ~~Facilities Law~~ [Code](#), ~~Health and Safety Code~~ Section ~~27500~~ [113700](#) et seq., and as may be amended:

"Health Department" or "Department" means the Orange County Health Care Agency.

"Health Officer" means the County Health Officer or his or her deputy.

"Inspector" means an environmental health specialist, as defined in the **Health and Safety Code** Section 106615, employed by the Health Department, or the Health Officer or any Deputy Health Officer authorized to inspect premises or equipment for the enforcement of this article.

"Premises" shall include land, buildings, vehicles and ships and other vessels wherein food is handled, stored, distributed, prepared, processed, served or sold, and also equipment installed or used in food establishments or food facilities or on such premises.

"Receipt" means a county public health services fee receipt.

"Vending machine business" means the business of selling food or beverages by means of vending machines, regardless of the number of locations at which the vending machines are located.

5.46.050 – Notice of Violation.

When any state or local laws, rules or regulations have been violated, an inspector may serve written notice thereof entitled "Notice of Violation," specifying:

- A. The acts or omissions with which the permittee is charged;
- B. The provision or provisions violated thereby;
- C. The corrective steps required;
- D. The date by which all such corrections must be completed, allowing a reasonable period therefor;
- E. That the permittee has a right to a hearing upon written request or that a mandatory hearing has been scheduled;
- F. That if no hearing is requested or if the permittee fails to appear at the scheduled hearing and if the Health Department does not receive notice that all such corrections have been made before 9:00 A.M. of the date specified under subsection D above, the permit will be subject to suspension or revocation from that time until all violations are corrected.

SECTION XXIII:

Section 5.47.020 of the Orange Municipal Code, “Business Taxes and Regulations – Restaurant Food Service Manager Certification Program – Program Implementation,” is hereby deleted in its entirety.

SECTION XXIV:

Section 5.47.030 of the Orange Municipal Code, “Business Taxes and Regulations – Restaurant Food Service Manager Certification Program – Program Costs and Fees,” is hereby amended to read as follows:

5.47.030 – Program Costs and Fees.

The costs of administering the Food Service Manager Certification Program shall be recovered through fees paid directly to environmental health by each applicant. All costs of the program shall be borne by the applicants for certification. The program costs shall be determined annually and the fees adjusted accordingly as approved by the County Board of Supervisors. ~~The food~~

~~service manager certification application fee for the first fiscal year of the program shall be \$20.00.~~

SECTION XXV:

Sections 5.48.070 of the Orange Municipal Code, “Business Taxes and Regulations – Food Handling Facilities – Temporary – Health of Food Handlers” and 5.48.100 of the Orange Municipal Code, “Business Taxes and Regulations – Food Handling Facilities – Temporary – Animals Prohibited From Preparation Area – Exception,” are hereby amended to read as follows:

5.48.070 – Program Costs and Fees.

Any person engaging in the sale or service of food or beverages, under this chapter, shall be free from colds, open sores, and in good health. Hair must be confined adequately so as to prevent entry of hair into any food or beverage. No smoking, vaping, or use of tobacco or cannabis in any form shall be permitted in any temporary food handling facility and signs shall be posted in conspicuous places giving notice thereof.

5.48.100 – Animals Prohibited From Preparation Area – Exception.

No live animal, bird, or fowl shall be kept or allowed in any area where food or beverage is prepared, stored, kept, or served, except that this shall not include service dogs being used by ~~the blind~~ an individual with a disability.

SECTION XXVI:

Section 5.49 of the Orange Municipal Code, “Business Taxes and Regulations – Program and Training,” is hereby amended to read as follows:

5.49 – ALCOHOL MANAGEMENT PROGRAMS AND SERVER TRAINING.

SECTION XXVII:

Section 5.49.050 of the Orange Municipal Code, “Business Taxes and Regulations – Program and Training – Abatement of Nonconforming Bars and Taverns,” is hereby deleted in its entirety.

SECTION XXVIII:

Section 5.50.040 of the Orange Municipal Code, “Business Taxes and Regulations – Going-Out-Of-Business Sale – Fees,” is hereby amended to read as follows:

5.50.040 – Fees.

The fees for a permit ~~shall be \$50.00. The fee~~ and for each supplemental permit shall be ~~\$10.00~~ set by resolution of the City Council. All fees collected pursuant to this section shall be

refunded to any person who, at the conclusion of the sale described herein, reestablishes a business at a location, other than the location of the sale, within the City limits.

SECTION XXIX:

Section 5.52.050 of the Orange Municipal Code, “Business Taxes and Regulations – Handbills – Distribution on Uninhabited or Vacant Private Premises,” is hereby amended to read as follows:

5.52.050 – Distribution on ~~Uninhabited or~~ Vacant Private Premises.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are temporarily or continuously ~~uninhabited or~~ vacant.

SECTION XXX:

Sections 5.54.040 of the Orange Municipal Code, “Business Taxes and Regulations – Regulation of Sidewalk Vendors – Permit Application,” 5.54.110 of the Orange Municipal Code, “Business Taxes and Regulations – Regulation of Sidewalk Vendors – Stationary Sidewalk Vendor Operating Requirements,” 5.54.120 of the Orange Municipal Code, “Business Taxes and Regulations – Regulation of Sidewalk Vendors – Operating Requirements for Sidewalk Vendors Within a Park,” and 5.54.130 of the Orange Municipal Code, “Business Taxes and Regulations – Regulation of Sidewalk Vendors – Prohibited Activities,” are hereby amended to read as follows:

5.54.040 – Permit Application.

A. Every person, prior to engaging in, conducting, or carrying on the business of sidewalk vending shall file an application with the Community Development Department on a City-approved form. Such application shall be accompanied by a non-refundable application permit fee in an amount established by resolution of the City Council, and shall contain, at a minimum, the following information:

1. The legal name, date of birth, current mailing address and telephone number of the applicant who will be solely responsible for the Sidewalk Vending Permit regardless of whether that person is employed or engaged by another individual or a business or will use a vending cart owned by another individual or a business. The applicant must be 18 years of age or older.

2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name, current telephone, email, and business address of the principal.

3. A copy of the applicant's government-issued photo identification, California driver license or identification number, social security card, individual taxpayer identification number, or municipal identification number, which shall not be available to the public and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order.

4. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor.

5. The legal name, date of birth, current mailing address and telephone number of all person(s) who will be employed by the applicant who will work as a stationary sidewalk vendor or a roaming sidewalk vendor.

6. A copy of any employee's government-issued photo identification, California driver license or identification number, social security card, individual taxpayer identification number, or municipal identification number, which shall not be available to the public and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order.

7. Whether the applicant intends to vend food, merchandise or both.

8. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, and whether the vendor requires a heating element or portable cooking equipment to prepare the food.

9. If the vendor is selling merchandise, a description of the merchandise to be sold.

10. The hours of operation per day and the day(s) per week during which the applicant proposes to vend.

11. A description of the general or specific location, address, map, or drawing of the area(s)/route in which the applicant proposes to vend either as a stationary sidewalk vendor or a roaming sidewalk vendor.

12. A description, and attached photograph(s) of any vending cart the applicant intends on using in conjunction with the sidewalk vending activity including the physical dimensions or measurements of the height, width, and depth of the vending cart.

13. If a stationary sidewalk vendor, a maintenance plan that includes litter pickup and food waste disposal in the vicinity of the vending location.

14. If the applicant proposes vending food, a certification of completion of a food handler course and proof of all required approvals from the Orange County Health Care Agency Environmental Health Division including a copy of the applicant's current and valid Orange County Food Facility Health Permit.

15. A copy of a current and valid business license issued pursuant to Chapter 5.06.

16. A copy of a current and valid California Department of Tax and Fee Administration seller's permit issued to the applicant, which shall be maintained during the pendency of the Sidewalk Vending Permit.

17. Submittal of two high resolution color passport photos of the applicant and its employee(s), if applicable, taken within 60 days of the application filing. The photos shall be as follows:

a. Two inches by two inches (51 x 51 mm);

b. Head must be between one inch and 1 3/8 inches (25–35 mm) from the bottom of the chin to the top of the head and showing the shoulder;

c. Printed on matte or glossy quality paper;

d. Not digitally changed and not blurry, grainy or pixelated.

18. A list of any convictions of the applicant and its employee(s), if applicable, for a felony or misdemeanor involving moral turpitude for the five years preceding the date of the application.

19. The applicant shall maintain and provide proof of comprehensive general liability insurance with minimum policy limits of \$1,000,000.00 per occurrence, combined single limit coverage, and \$1,000,000.00 in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the applicant. Such insurance shall name as additional insured the City of Orange, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled without 30 days' advance written notice to the City of Orange.

20. An acknowledgment that the applicant will comply with all other generally applicable local, state, and federal laws.

21. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to their knowledge and belief.

22. An agreement by the applicant to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including, without limitation, attorneys' fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee or City.

23. An acknowledgement that the applicant's use of public property is at their own risk and that the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities.

24. Any other reasonable information regarding the time, place, and manner of the proposed sidewalk vending activities.

B. The applicant and its employees, if applicable, shall also submit a complete set of the applicant's and its employees' fingerprints to the Chief of the Orange Police Department or designee in a manner and form approved by the Chief of Police. The applicant and its employees shall pay for any fees for the fingerprints. Pursuant to Penal Code Sections 11105 and 13300, the City Council explicitly authorizes the Chief of Police to obtain such information as it relates to disqualifying convictions or conduct related to the crimes or offenses described in this chapter.

C. The applicant must immediately notify the City in writing of any changes to the information provided in the application or this chapter after the issuance of a Sidewalk Vending Permit. A Sidewalk Vending Permit Change of Information Fee shall be assessed against any applicant who has been issued a Sidewalk Vending Permit and changes any information as provided in the application or this chapter as established by resolution of the City Council.

D. Payment of an application permit fee and renewal permit fees. Each application for a Sidewalk Vending Permit either as a stationary sidewalk vendor or roaming sidewalk vendor shall be accompanied by an application permit fee or renewal permit fee as established by resolution of the City Council. The application permit fee and renewal permit fees are only applicable to the applicant named in the application. The application permit fee and renewal permit fee are non-refundable ~~or~~ and will not be prorated.

E. Payment of an Employee Application Permit Fee, if Applicable. An employee application permit fee shall be required for ~~E~~each person who will be employed or engaged in sidewalk vending activity ~~for~~ by an applicant ~~of~~ for a Sidewalk Vending Permit ~~shall be accompanied by an employee application permit fee for each person as;~~ the fee shall be established by resolution of the City Council. This fee shall be required for each person employed or engaged in sidewalk vending activities either as a stationary sidewalk vendor or a roaming sidewalk vendor. Furthermore, this fee shall be renewed annually for each person employed or engaged by the applicant of a Sidewalk Vending Permit and the fee is non-refundable ~~or~~ and will not be prorated.

5.54.110 – Stationary Sidewalk Vendor Operating Requirements.

In addition to the general operating requirements set forth in Sections 5.54.100, 5.54.120 and 5.54.130, stationary sidewalk vendors shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any Sidewalk Vending Permit for a stationary sidewalk vendor.

A. Vending activity is prohibited from operating or establishing in any residential zone of the City.

B. Any vending cart used in the vending activity shall be removed from the sidewalk each day at the close of business.

~~C. A separation of at least 50 feet from any other stationary sidewalk vendor shall be maintained.~~

D.C. Stationary sidewalk vendors shall not cause, allow, or suffer the placement of tables, chairs, fences, shade structures, umbrellas, other furniture, rugs, towels, or fabric of any kind upon the sidewalk in conjunction with the vending operation (whether for the display of goods or any other reason).

E.D. Stationary sidewalk vendors shall not cause, allow, or suffer the erection or placement of any signs upon the sidewalk, unless approved pursuant to Chapter 17.36.

F.E. Stationary sidewalk vendors shall not attach or use any water lines, electrical lines, or gas lines located on public property or owned by the City, or belonging to any other entity or person, during the vending activity.

G.F. No vending cart may exceed an overall height of five feet, a total width of five feet, and a total length of five feet. It may not include attachments such as balloons, streamers, ribbons, pinwheels, flags, and other visual marketing aids.

H.G. Vending activities shall only occur on sidewalks or pathways with a minimum width of eight feet or larger.

H.I. Vendors shall only use any portable cooking equipment or heating element as approved by the Director, Orange City Fire Department and/or Orange County Health Care Agency Environmental Health Division. The following additional conditions apply:

1. The equipment shall be kept at least 20 feet from any permanent structure and at least 30 feet from any dry grass, grain, brush, or forested area;
2. The equipment shall not be unattended;
3. No vendor shall smoke or vape or allow any person to smoke or vape within 20 feet;
4. The vendor shall regularly clean the portable cooking equipment to remove grease and food buildup;
5. The equipment shall only use propane, natural gas, or butane cylinder tanks;
6. The vendor shall use or store only propane, natural gas, or butane tanks of 20 gallons or less, with a limit of two 20-gallon tanks on a conveyance;
7. Tanks shall be stored in an upright position during use and positioned in such a way as to prevent falling, tipping, and tampering;
8. Tanks shall be disconnected while the conveyance is in transit or not in use;
9. Only tanks with a shut-off valve and a pressure regulator, having hoses of a type approved for use by the manufacturer with the equipment are allowed;

10. All connections to the tank shall be tested for potential leaks before each use using soap and water; and

11. Any conveyance that stores a tank shall have two ventilation openings on opposite sides at the cylinder valve level and at least one ventilation opening at the floor level. Each opening shall be a minimum of 10 square inches, screened with a minimum 16 mesh and shall vent to the exterior of the conveyance.

J. Stationary sidewalk vendors shall comply with the following fire extinguisher requirements:

1. An easily accessible, properly charged and maintained 2A-10BC-rated five pounder fire extinguisher shall be kept at the vending cart at all times and be familiar with its proper use. Stationary sidewalk vendors shall ensure the extinguisher has been serviced within the last year and has a valid California State Fire Marshal service tag attached;

2. Deep-fat fryers or woks with cooking oil capacity of six inches depth or greater using combustible cooking media, vegetable or animal oils or fats, shall be provided with a Class K fire extinguisher;

3. The extinguisher shall be mounted securely to the vending cart or equipment; and

4. The extinguisher shall be located away from the cooking area but within reasonable reach to prevent the spread of fire.

5.54.120 – Operating Requirements for Sidewalk Vendors Within a Park.

~~In addition to the general operating requirements set forth in Sections 5.54.100, 5.54.110 and 5.54.130,~~ **S**idewalk vendors shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any Sidewalk Vending Permit for a sidewalk vendor within a park.

A. Stationary sidewalk vendors are prohibited from operating within any portion of a City park for which the City has signed an agreement for concessions that exclusively permits the sale of merchandise or food by the concessionaire.

B. Stationary sidewalk vendors operating within a City park shall comply with all operating requirements and prohibitions set forth in Sections **5.54.100, 5.54.110 and 5.54.130.**

C. Roaming sidewalk vendors shall not vend within 50 feet of any portion of a park for which the City has signed an agreement for concessions that exclusively permits the sale of merchandise or food by the concessionaire.

D. Sidewalk vendors shall not vend in the following locations within a park:

1. Within 50 feet of any field, court, or pitch that is primarily designed for use in a sporting activity (including, but not limited to, baseball field, softball field, basketball court, tennis court,

soccer pitch, volleyball court, pickleball court, horseshoe pits, lawn bowling and handball court), while said area is in use;

2. Within 100 feet of any playground, recreational water features, or exercise area, while said area is in use;

3. Within 50 feet of any restroom facilities;

4. Within 50 feet of any community building or structure, indoor gym, dance rooms, meeting rooms, arts and craft rooms, banquet halls, lounge, shaded structures, patios, awnings, gazebos, BBQ stations, picnic pavilion, picnic tables, recreation rooms, dog park, and bandshells;

5. Within 100 feet of any lake or water basin;

6. Within 100 feet of any decorative water fountain and memorial structures.

7. Within 50 feet of any abutting residential parcel adjacent to a park.

E. Sidewalk vending within any park is prohibited daily between the hours of 7:00 p.m. and 7:00 a.m. of the subsequent day.

F. Notwithstanding Section **5.54.100(E)(18)**, sidewalk vendors of merchandise may conduct sidewalk vending on unpaved portions of a park, so long as the vendor adheres to all other sidewalk vendor operating requirements and park regulations. Sidewalk vendors of food may not conduct sidewalk vending on unpaved portions of a park.

5.54.130 – Prohibited Activities.

The following activities are prohibited, which are directly related to objective of health, safety, and welfare concerns, including, but not limited to, health, safety and welfare of vendors, their prospective patrons, pedestrians, those protected by the Americans with Disabilities Act, those operating motor vehicles at intersections and in rights-of-way adjacent to sidewalks, and the public at large. Sidewalk vendors shall not:

A. Sell or offer to sell services, or engage in or offer to engage in any type of rental activity, including the rental of any goods or services;

B. Display merchandise or food that is not available for immediate sale;

C. Utilize outdoor wood burning ovens, charcoal barbecues;

D. Utilize gasoline or kerosene;

E. Utilize portable generators unless approved by the Director, Orange City Fire Department and/or Orange County Health Care Agency Environmental Health Division;

F. Except as otherwise specified in this chapter, conduct sidewalk vending activities between the hours of 10:00 p.m. and 7:00 a.m. daily or inconsistent with the hours of operation of the businesses on the same street block;

G. Utilize a motorized sidewalk vending cart;

H. Touch the person(s) being offered to purchase food or merchandise without that person(s)' consent;

I. Use any ~~luminaire~~, flashing lights or any other animated devices or signs. Sidewalk vendors shall only utilize the minimum amount of luminaires necessary for the safe operation of sidewalk vending activities as determined by the City;

J. Sell, use, or vend any of the following:

1. Live animal(s);

2. Adult-oriented material depicting, describing, or relating to specified anatomical areas or specified sexual activities [as defined in Section 5.86.020 of the Code](#);

3. Alcohol, cannabis, marijuana, or tobacco products that contain nicotine or any product used to smoke (or "vape") nicotine or marijuana;

4. Weapons, including knives, guns, or explosive devices; airsoft guns, paintball guns, BB devices or imitation firearms;

5. Pharmaceuticals;

6. Illegal or counterfeit merchandise; or

7. Any other merchandise or products prohibited by local, state and federal laws;

K. Use or operate, or permit to be played, used, or operated, any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound. No sidewalk vendor shall employ horns, bells, whistles, or noise-making devices;

L. Allow a vending cart or other accessory equipment to touch, lean against or be affixed or fastened at any time to any building, structure or above-ground structure, including, but not limited to, poles, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans, waste receptacles, or traffic barriers located in the public right-of-way;

M. Set up a customer seating area such as, but not limited to, equipment, tables, chairs, tents, or canopies;

N. Enter private property to solicit at any dwelling, including, but not limited to, a house, apartment, duplex, condominium, gated community, or business without explicit permission of the property owner or their designee.

SECTION XXXI:

Sections 5.56.040 of the Orange Municipal Code, “Business Taxes and Regulations – Massage Establishments – Application for Massage Business Permit,” 5.56.050 of the Orange Municipal Code, “Business Taxes and Regulations – Massage Establishments – Massage Business Permit Issuance and Denial,” and 5.56.100 of the Orange Municipal Code, “Business Taxes and Regulations – Massage Establishments – Transfer, Duration and Renewal of Permits and Licenses,” are hereby amended to read as follows:

5.56.040 – Application for Massage Business Permit.

A. Any person desiring a business permit for a massage establishment shall file a written application on the form required by the Police Department and as approved by the City Attorney. The Police Department shall conduct an investigation of the operator. The applications shall be substantially uniform and shall be signed under the penalty of perjury. The application shall be accompanied by the appropriate filing fee established by resolution of the City Council. The application shall be completed and signed by the operator of the proposed massage establishment, if a sole proprietorship; one general partner, if the operator is a partnership; one officer or one director, if the operator is a corporation; and one participant, if the operator is a joint venture. The application does not authorize operation of a massage establishment unless and until the business permit is issued.

The type of ownership of the business must be stated, i.e., whether by individual, partnership, corporation or otherwise, along with the true and legal name. The operator shall designate who is the responsible managing officer. Such designated persons shall complete and sign all application forms required under this chapter, but only one application fee shall be charged. A reproducible photo identification of the operator (i.e. California driver's license or I.D. card) shall accompany the application.

B. The application shall include, but not be limited to, the following information:

1. The operator's full name, including any aliases, nicknames, or prior names;
2. Complete residence, employment and permit history with other agencies, including permits issues, suspended, revoked, or denied;
3. Social security number and driver's license number and date of expiration;
4. A complete current list of the names and residence addresses of all proposed massage therapists and employees in the massage establishment and the name and residence addresses of the manager;

5. An agreement that the operator consents to inspections by the City's Building, Fire, and Police Departments and the County Health Department;

6. A description of any other business operated on the same premises, or within the City or the State which is owned or operated by the operator;

7. A copy of the operator's massage therapist certificate;

8. If the operator does not have a massage therapist certificate then such operator shall also provide:

a. A complete set of fingerprints taken by the Police Department; and

b. Information relating to any convictions of any of the crimes listed in Section **5.56.050** of this code.

9. Authorization for the City, its agents and employees to seek verification of the information contained in the application; and

10. Such other identification and information as the Chief of Police may reasonably require to verify the information set forth in the application.

C. The application shall be dated and the operator shall certify under penalty of perjury that all information contained in the application is true and correct.

D. If, during the term of the business permit the operator has any change in the information submitted on the original or renewal application, the operator shall notify the Police Department in writing of such change within 10 business days thereof.

E. Written Exam. Prior to the issuance of an operator's permit and after submission of the application required by this chapter and upon renewal of any operator's permit, each operator and/or any manager of the massage establishment who is not a massage therapist, shall prior to assuming such duties, pass a written test administered by the City covering the provisions of this chapter. A score of 70% or better is required to pass. An operator or manager who fails to pass the test shall not be eligible to take the test until 30 days have passed since the prior examination and after failing a second time until six months have passed since the second examination. If the operator or manager requires the examination to be given in another language, then he or she must, at his or her cost, make arrangements with a court certified interpreter to interpret the exam. Proof of court certification must be provided to the Chief of Police prior to administration of the exam.

F. Verification of State-Issued Massage Certificate. Pursuant to the authority contained in **Business and Professions Code** Section ~~4602.5~~ [4620](#), the Police Department shall request the Massage Therapy Council to verify the status of the certification of any massage therapist practicing in the City and request a copy of the background information received by the Massage Therapy Council from the Department of Justice pursuant to Business and Professions Code Section ~~4601.3~~ [4614](#) on any massage therapist practicing in the City.

5.56.050 – Massage Business Permit Issuance and Denial.

Upon receipt of a written application for a massage business permit, the Police Department shall conduct an investigation to ascertain whether the permit should be issued. The Chief of Police shall, within 60 days of the filing of an application, approve, conditionally approve or deny the application (30 days if all operators are massage therapists). The 60 or 30 day period may be extended for up to 15 additional days, if necessary to complete the investigation. The Chief of Police shall issue the massage business permit unless the Chief of Police makes any of the following findings:

1. The applicant has made a false, misleading or fraudulent statement of material fact to the City in the business permit application process.
2. The application does not contain all of the material information required.
3. The massage establishment does not comply with all applicable laws, including, but not limited to, health, building, zoning, fire and safety requirements and standards.
4. The applicant does not otherwise satisfy the requirements of this chapter.
5. If the applicant; any officers or directors of a corporate applicant; a partner, including limited partners of a partnership applicant; or any persons directly employed by the applicant; have within eight years preceding the date of application:
 - a. Been convicted of a violation of California **Penal Code** Sections 266h, 266i, 314, 315, 316, 318, subsections (a) and (b) of **Penal Code** Section 647 ~~or 650.5~~, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California **Penal Code** Section 415 or any lesser included or lesser related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any other provision of law pursuant to which a person is required to register under the provisions of **Penal Code** Section 290;
 - b. Been convicted of a violation of **Health and Safety Code** Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in **Health and Safety Code** Section 11054, 11055, 11056, 11057 or 11058;
 - c. Been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Sections 11225 through 11235 of the California **Penal Code**, or any similar provisions of law in a jurisdiction outside the State of California;
 - d. Been convicted of an act in another jurisdiction, which if committed in this State would constitute grounds for denial, suspension or revocation of the permit;
 - e. Been convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications, functions or duties of the operator;

f. Been convicted of any misdemeanor or felony, either of which relates directly to the operation of a massage establishment;

g. Has had a massage business permit, business license or massage therapist certificate or other similar license or certificate denied, suspended or revoked for cause by a licensing authority or by any city, county or state.

6. Has not passed the written exam required by this chapter, if applicable.

7. The applicant has violated the provisions of Chapter 10.5 of the Business and Professions Code.

8. If the application is denied for failure to comply with subsections **1, 5 or 7** above, the operator may not reapply for a period of six months from the date the application was denied.

5.56.100 – Transfer, Duration and Renewal of Permits and Licenses.

A. No permit issued hereunder shall be transferable to any other person or establishment.

B. All massage business permits must be renewed annually. Applications to renew massage business permits containing the information required by this chapter for initial permits shall be filed with the Chief of Police before the expiration of the existing massage business permit. Such renewal applications must be filed no later than 60 days prior to the expiration of the permit to prevent a lapse of the permit.

C. A City-issued massage therapist permit may be renewed if the massage therapist provides written proof that he or she has taken and completed a total of 36 hours of continuing education with the permit period from an ["registered approved massage school"](#) as that term is defined in **Business and Professions Code Section ~~4600(f)~~ 4601(a)**. If a massage therapist has three or more sustained violations of this code during any permit period, the massage therapist must pass the written exam provided for in this chapter.

D. Each applicant for renewal shall file such information as may be required by the Chief of Police to update the information required for his or her original massage business permit application and shall pay the appropriate filing fee.

SECTION XXXII:

Section 5.59.030 of the Orange Municipal Code, “Business Taxes and Regulations – Processions – Procession Permit,” is hereby amended to read as follows:

5.59.030 – Procession Permit.

A. Upon application made to the Chief of Police of the City and a determination made by the Chief of Police that the procession as applied for in said application will not unduly disturb the convenience of the public, a permit to conduct such procession shall be granted.

B. In making the determination that the convenience of the public will not be unduly disturbed by a procession, the Chief of Police shall consider the following factors:

1. Time of the proposed procession;
2. Place of the proposed procession;
3. The manner in which the proposed procession is to be held;
4. Other proper uses of the streets, such as construction or maintenance or pedestrian traffic and construction or maintenance on the streets involved in the proposed procession route.

C. Every person, firm or corporation who files an application, as provided herein, shall pay to City ~~the sum of five dollars~~ a fee as set by City Council resolution, which shall be paid at the time the application is filed. This sum is for the purpose of paying for the cost of processing such application and is nonrefundable.

SECTION XXXIII:

Section 5.64.030 of the Orange Municipal Code, “Business Taxes and Regulations – Soliciting – Application for Permit,” is hereby amended to read as follows:

5.64.030 – Application for Permit.

~~In addition to the information in Section 5.64.010, a~~An application shall contain the following information:

- A. Whether the applicant is affiliated with or working for any other organization than the one for which this solicitation is intended;
- B. Location of national, state and local headquarters, if any;
- C. The names and addresses of all persons directly interested in or who in any manner will be engaged in the work;
- D. The exact purpose for which the proceeds of the solicitation, sale, bazaar, exhibition, promotion, amusement, show, lecture, entertainment or other enterprise of any part thereof, are to be used, including the manner in which and the amount of any compensation intended to be paid to any person, firm, association or corporation out of such proceeds;
- E. The total amount which is sought to be raised;
- F. The bank or place where all or any part of the funds raised by such activity will be placed on deposit or invested;

G. What records of funds received will be kept and where. Where such records will be open to public;

H. Whether the uniform or identification worn or carried resembles that of any other group in this area conducting a similar type of activity;

I. Such other information in respect to the character and past and proposed activity of the applicant and the parties directly interested in or engaged in the work as may be necessary to enable the Chief of Police to make a full and complete investigation.

SECTION XXXIV:

Sections 5.72.030 of the Orange Municipal Code, “Business Taxes and Regulations – Special Pageants – Permit – Application,” 5.72.050 of the Orange Municipal Code, “Business Taxes and Regulations – Special Pageants – Issuance or Denial of Permit,” and 5.72.060 of the Orange Municipal Code, “Business Taxes and Regulations – Special Pageants – Conduct of Operations,” are hereby amended to read as follows:

5.72.030 – Permit – Application.

Application for permits to conduct special **events** [pageants](#) shall be in writing and shall be filed with the City Manager not less than 14 days prior to the opening date of such **event** [pageant](#). In addition to the information in Section 5.32.010, an application shall contain the following information:

A. The name and address of the sponsoring business or organization;

B. The exact location where the event is to be staged;

C. The name and address of any operator or operators of rides, games, or amusement devices to be conducted on the City-owned property;

D. A list of communities in California where the operators of such rides, games, and amusement devices have previously conducted such operations;

E. The number and types of rides, games, shows, displays, and other individual concessions comprising the event, including any and all food stands and food vehicles to be used;

F. The number of persons who will be engaged in conducting the event;

G. A statement that the applicant nonprofit organization will operate and manage the special pageant and a copy of any agreements designed to ensure such control;

H. A plot plan showing the entire property in addition to that portion of the property proposed to be used to store equipment and to conduct the special pageant, including an exact description

and plot plan describing the total extent of any off-street parking area which would be occupied for the purpose of conducting the special pageant and storing the equipment incident thereto;
I. Such other information as shall be required by the City Manager.

5.72.050 – Issuance or Denial of Permit.

If the City Manager determines, after the investigation, that all applicable provisions of the law and of the Orange Municipal Code, including all relevant provisions of Sections ~~5.70.010~~ [5.72.030](#) et seq. are, or will be, complied with, he or she shall issue a permit; otherwise, the application shall be denied.

5.72.060 – Conduct of Operations.

The following regulations shall govern the operation of any special pageant for which a permit has been issued by the City Manager, and violation of any such regulation shall be grounds for immediate revocation of such permit:

A. No wild or ferocious animals shall be displayed.

B. All local and State laws and regulations shall be observed.

C. Before erecting any structures, application must be made to the Chief Building Inspector. All applicable building and electrical regulations must be observed. Permits issued by the ~~State, Division of Industrial Safety~~ [Cal/OSHA, Division of Occupational Safety and Health](#), must be furnished to the Chief Building Inspector before the operation of any ride. No rides, amusement devices or concessions shall be put into operation until inspected and approved by the Chief Building Inspector; provided, however, that no such inspection or approval by the City shall be construed as a representation by the City, or any employee thereof, that any such ride, amusement device, or concession is structurally or operationally safe. Each ride shall have a sign, displayed at the entrance to the ride and visible to all patrons, containing the message that any person using the equipment does so at his or her own risk.

D. No game shall be permitted to be conducted at a special pageant until inspected and approved by the Police Chief. No game shall be approved which violates any laws of the State or any other provisions of the Orange Municipal Code. No game shall be approved in which it is impossible, due to the game equipment, for the participant to win by the use of skill.

E. Any and all facilities for the dispensing of food and beverages shall be inspected by the Orange County Health Department to insure compliance with all applicable food handling regulations.

F. No trailers, tents or other temporary living quarters will be allowed on the premises where the special pageant is to be conducted except upon approval of the City Council based on a finding that no hazard to public health or safety will result from such approval.

G. The conduct of the special pageant shall be confined to the hours of 9:00 a.m. to 10:00 p.m. unless the City Manager has established different hours of operation.

H. The special pageant shall not be operated for any period longer than seven days from the permitted opening date as specified in the permit.

I. All persons or entities granted a permit shall be required to post a cash deposit not to exceed \$1,000.00 to ensure that the premises used for the pageant shall be left in a clean and orderly condition at the conclusion of the pageant.

SECTION XXXV:

Section 5.72.070 of the Orange Municipal Code, “Business Taxes and Regulations – Special Pageants – Liability and Property Damage Insurance,” is hereby deleted in its entirety.

SECTION XXXVI:

Section 5.72.075 of the Orange Municipal Code, “Business Taxes and Regulations – Special Pageants – Prohibited Acts,” is hereby amended to read as follows:

5.72.075 – Prohibited Acts.

~~A.~~ It shall be unlawful, within the limits of any special pageant for any person to do any of the following:

1. To allow any animal ([except for a service animal used by an individual with a disability](#)) or fowl of any kind to be at the special pageant, provided, however, the City Council may grant permission to any such person to conduct animal shows, rides or carnivals having animals, under such conditions as the council may determine; such conditions shall be for the purpose of protecting the special pageant against damage, and to assure cleanliness, to protect the City against liability for injuries to persons and damages to property, and for the preservation of the public health and safety;
2. Ride or drive any horse or other animal; or propel any vehicle or automobile except in designated areas; or ride, drive, propel, or self-propel a skateboard, scooter ([except for an individual with a disability](#)), wagon, bicycle, tricycle or similarly wheeled device;
3. Carry any knives, firearms, fireworks, airgun or slingshot;
4. Cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus or property; or pluck, pull up, cut, take or remove any shrub, bush, plant, or flower; or mark or write upon, paint, or deface in any manner any building, monument, fence, bench or other structure;
5. Wash dishes or empty salt water or other waste liquids elsewhere than in the sinks provided for such purposes;

6. Leave garbage, cans, bottles, papers or other refuse elsewhere than in receptacles provided therefor;
7. Indulge in riotous, boisterous, threatening, or indecent conduct;
8. Distribute any handbills or circular, or post, place or erect any bills, notice, paper, or advertising device or matter of any kind, except at booths authorized by the City;
9. Sell or offer for sale any merchandise, article or thing whatsoever except at booths authorized by the City;
10. Practice, carry on, conduct or solicit for any trade, occupation, business or profession or circulate any petition of whatsoever kind or character without permission of the Council, except at booths authorized by the City;
11. Remain, stay or loiter in any special pageant between the hours of 11:00 p.m. and 7:00 a.m. unless authorized by the City;
12. Participate in, aid, or organize any assembly, exhibition, festival, musical program, parade, rally, show, or make any speeches, unless a permit has been obtained from the City Council or City Manager and unless such permit is in the possession of the person in charge of such activity;
- ~~13. For any male person over eight years of age to enter or use any toilets or restrooms for women in a special pageant or for any female person over eight years of age to enter or use any toilets or restrooms for men in a special pageant;~~
- ~~14~~¹³. Parking, leaving or standing, or causing to be parked or causing to be left standing any vehicle whatsoever any place in the special pageant designated and marked by the Chief of Police as places where parking is prohibited.

SECTION XXXVII:

Sections 5.76.020 of the Orange Municipal Code, “Business Taxes and Regulations – Tow Trucks – Permit – Required” and 5.76.030 of the Orange Municipal Code, “Business Taxes and Regulations – Tow Trucks – Permit – Application,” are hereby amended to read as follows:

5.76.020 – Permit – Required.

A. No person shall operate any tow truck business within the City or serve as a tow truck driver without obtaining a proper permit therefor, as provided in this chapter.

B. Every driver's permit issued under this chapter shall set forth the following information:

1. Name of company for whom the driver is authorized to operate a tow truck;

2. Name, photo, driver's license number, and date of birth of the applicant;
3. Date of expiration of the permit.

C. The driver shall wear the permit in plain view during all service calls within the City limits of the City of Orange.

5.76.030 – Permit – Application.

Application for such tow truck ~~business permit or~~ driver's permit shall be made to the Business Services Coordinator, who shall refer the same to the Chief of Police for investigation of applicant. In addition to the information in Section 5.32.010, the application shall contain the following information:

- A. Past experience as a driver;
- B. Whether any ~~chauffeur's or~~ tow truck driver's license, ~~either state or other,~~ has ever been revoked or suspended;
- C. Name and address of applicant's intended employer.

SECTION XXXVIII:

Section 5.80.010 of the Orange Municipal Code, “Business Taxes and Regulations – Vending Machines – Definitions,” is hereby amended to read as follows:

5.80.010 – Definitions.

For the purpose of this chapter, the following terms shall have the meanings here given to them:

"Vending machine" means ~~and includes any automatic vending machine~~ a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for the sale of goods or merchandise, or service; ~~controlled by the insertion of a coin or coins except~~ As defined, the this term shall does not mean nor include vending machines dispensing food or beverages, ~~and to which vending machines, which are regulated by Chapter Section~~ 5.46 is applicable.

"Vending machine business" means and includes the operation of one or more vending machines.

SECTION XXXIX:

Section 5.82.010 of the Orange Municipal Code, “Business Taxes and Regulations – Wiping Rag Business – Definitions,” is hereby amended to read as follows:

5.82.010 – Definitions.

For the purpose of the provisions regulating wiping rag businesses hereinafter set forth, the following words and phrases shall be construed to have the meaning set forth in this section unless it is apparent from context that a different meaning is intended:

"Health Officer" means the Orange County Health Officer.

"Wiping rags" means cloths and rags, other than reusable rental cloths or towels, used for any or all of the following purposes:

1. Wiping and cleaning the surfaces of machinery, machine tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, furniture, and surfaces of articles, appliances, and engines in factories, shops, steamships, and steamboats;
2. Generally for cleaning in industrial employment;
3. Used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

SECTION XL:

Section 5.86.010 of the Orange Municipal Code, "Business Taxes and Regulations – Sexually Oriented/Adult Businesses – Enforcement, Modification, and Revocation," is hereby amended to read as follows:

5.86.130 – Enforcement, Modification, and Revocation.

The permit holder shall allow officers of the City of Orange and their authorized representatives to conduct unscheduled inspections of the premises of the sexually oriented/adult business for the purpose of ensuring compliance with the law at any time the sexually oriented/adult business is open for business or is occupied. The Business Services Coordinator shall revoke a sexually oriented/adult business permit when:

- A. Any of the applicable requirements contained in Section **5.86.080** ceases to be satisfied.
- B. The application is discovered to contain incorrect, false or misleading information.
- C. The permit holder is convicted of a felony or misdemeanor occurring upon, or relating to the premises or lot on which the sexually oriented/adult business is located which offense is classified by the State as an offense involving a sexual crime against children, sexual abuse, rape, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to the violation of **Penal Code** Sections 243.4, 261, 261.5, 264.1, 266, 266a through 266K inclusive, 267, 286, 286.5, 287, 288, ~~288a~~, 311 through ~~311.10~~ 311.11 inclusive, 314, 315, 316 or 647.
- D. If, on two or more occasions within a 12 month period, a person or persons has (have) been convicted of a felony or misdemeanor for an offense set forth above as a result of such person's

activity on the premises or property on which the sexually oriented/adult business is located, and the person(s) were employees, contractors, or agents of the sexually oriented/adult business at the time the offense(s) was/were committed.

E. If the permit holder or an employee has permitted or allowed prostitution or any criminal conduct on the premises.

F. The sexually oriented/adult business has been operated in violation of any of the requirements of this chapter, any permit issued to the business, or any of the provisions of Section **5.86.080** which, by way of subsection W thereof, are deemed to be conditions of permit approval.

SECTION XLI:

Section 5.89 of the Orange Municipal Code, "Business Taxes and Regulations – Medical Cannabis Business," is hereby amended to read as follows:

5.89 – ~~MEDICAL~~ CANNABIS BUSINESSES

5.89.010 – Definitions.

A. The definitions in **Business and Professions Code** Section ~~19300.5~~ [26001](#) and Health and Safety Code Section 11362.7, as they may be amended from time to time, apply to this chapter and are incorporated by reference.

B. The term "cannabis" includes "marijuana."

5.89.020 – Prohibitions.

A. Commercial cannabis activity of all types is prohibited. No person shall establish, operate, conduct, or engage in commercial cannabis activity in the City.

B. Cultivation of cannabis is prohibited. No person, including a qualified patient or primary caregiver, shall cultivate cannabis in the City.

C. Delivery of cannabis ~~to~~ or from any location in the City is prohibited. No person shall conduct any delivery of cannabis that ~~either~~ originates ~~or terminates~~ in the City and no person shall own, manage, or operate a cannabis delivery service or business in the City. No person shall lease or offer to lease any facility or location in support of a cannabis delivery service.

D. Dispensing cannabis is prohibited. No person shall dispense cannabis in the City.

E. Cannabis dispensaries are prohibited. No person shall own, manage, operate, or work in, whether as an employee, volunteer, or independent contractor, a cannabis dispensary in the City. No person shall lease or offer to lease any facility or location for use as a cannabis dispensary.

5.89.030 – Public Nuisance.

Any violation of this chapter shall constitute a public nuisance and may be abated as provided in Chapter **1.08** of this code and/or under state law.

5.89.040 – Penalty.

Any person who violates this section shall be guilty of a misdemeanor and fined up to \$1,000.00 and/or be imprisoned in Orange County Jail for a period of up to six months.

SECTION XLII:

Section 5.91.010 of the Orange Municipal Code, “Business Taxes and Regulations – Mobile Needle Exchange Program – Definitions,” is hereby amended to read as follows:

5.91.010 – Definitions.

"Mobile needle exchange program" means a needle exchange program, as defined herein, that is capable of moving or being moved about readily, having no fixed or permanent location.

"Needle exchange program" means a program as described and defined in California Health and Safety Code Section 121349 et seq., as ~~they may be~~ amended from time to time, [which statutes shall](#) apply to this chapter and are incorporated herein by reference.

SECTION XLIII:

Section 5.92.010 of the Orange Municipal Code, “Business Taxes and Regulations – Newsracks on Public Property – Definitions,” is hereby amended to read as follows:

5.92.010 – Definitions.

"Curb return" means that portion of a sidewalk at a street corner bounded by the street curb, the street right-of-way line (the property line), and the radial lines at the beginning and the end of the arc formed by the street curb.

"Custodian" means any person or persons who have the responsibility of placing, servicing or maintaining a publication vending machine by depositing or removing material from the machine or by collecting money from the machine.

"Display window" means any window located or utilized so as to exhibit or make a presentation of merchandise or any window located or utilized so as to give evidence to the general public [of](#) commercial advertisements.

"Improved area" means any area which has been improved with real or artificial lawn, flowers, shrubs, trees, plants, rocks, bark, textured concrete or other materials designed to upgrade the property.

"Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, distribution, or sale of any written or printed material, including but not limited to, brochures, newspapers and news periodicals.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Pictorial material" means any material suggesting or conveying a visual image, and includes, but is not limited to, a photograph, painting or drawing.

"Public right-of-way" includes, but is not limited to the following: streets, roadways, parkways and sidewalks, as these terms are hereinafter defined:

A. "Street" means all that area dedicated to public use for public street purposes and includes, but is not limited to roadways, parkways, alleys and sidewalks.

B. "Roadway" means that portion of a street which is improved, designed, or ordinarily used for vehicular travel.

C. "Parkway" means that area between the sidewalk and the curb of any street and, where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. "Parkway" also includes any area within a roadway which is not open to vehicular travel.

SECTION XLIV:

Sections 5.95.030 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Organizations Eligible for Permit to Conduct Bingo Games," 5.95.040 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Permit – Application," 5.95.150 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Receipt of Profit by a Person – A Misdemeanor Under State Law," 5.95.170 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Days and Hours of Operation," 5.95.250 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Profits to Be Kept in Separate Fund or Account," and 5.95.350 of the Orange Municipal Code, "Business Taxes and Regulations – Bingo – Special Provisions for Limited Bingo Permittees," are hereby amended to read as follows:

5.95.030 – Organizations Eligible for Permit to Conduct Bingo Games.

Only a corporation, organization, group, community chest or trust which is exempted from the payment of the bank and corporation tax by Sections ~~23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) or 23701(h)~~ [23701](#) of the **Revenue and Taxation Code**, any mobile home park association, or any senior citizens organization shall be eligible to apply to the City for a license to conduct bingo games in the City of Orange under the provisions of this chapter and Section 326.5 of the **Penal Code**. Any such permittee must conduct a bingo game only on property owned or leased by it or on property whose use is donated to the permittee within the City of Orange and which property has been used by the permittee as an office or for the performance of the purposes for which the applicant is organized for at least 24 consecutive months immediately preceding the filing of such application. Notwithstanding the foregoing, if

the facility at which the bingo games are proposed to be conducted is newly constructed or is part of a larger development complex which is newly constructed and has not been in existence for the past 24 months, the City Council may exempt such applicant from the latter requirement.

5.95.040 – Permit – Application.

Eligible organizations desiring to obtain such a permit to conduct bingo games in the City shall complete an application on forms furnished by the Business Services Coordinator which will satisfy the requirements of Section 5.32.010 of this code. The completed application shall be filed with the Business Services Coordinator.

A. The applicant shall also submit with its application, a certificate or determination of exemption, and a letter of good standing from the ~~Exemption Division of the Franchise Tax Board~~ Exempt Organization Unit in Sacramento, showing exemption from the payment of the bank and corporation tax under Sections ~~23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) or 23701(h)~~ 23701 of the **Revenue and Taxation Code** of the State of California, and a description of the charitable purposes for which all profits will be used.

B. Each new application and annual renewal shall be accompanied by an annual permit fee as set forth by resolution of the City Council, one-half of which shall be refunded to the applicant if the permit is denied.

C. Concurrent with the filing of the completed application with the Business Services Coordinator, the applicant shall file a statement specifying the names and addresses of two persons who shall be authorized to manage, supervise and be responsible for the conduct of all bingo games by the applicant. One person shall be designated the bingo manager and the other person, the alternate bingo manager. Either the bingo manager or the alternate bingo manager shall be on the premises at all times during which bingo games are being conducted. The persons designated as bingo manager and alternate bingo manager shall furnish signed statements accepting their responsibilities. In the event any other person is designated bingo manager or alternate bingo manager, the permittee shall file a new statement and pay the fee specified in this section.

5.95.150 – Receipt of Profit 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 or pay a profit, wage or salary, except security personnel, from any bingo game authorized under this chapter, ~~except~~ a violation of which is punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the City of Orange. A violation of any other provisions of this chapter shall be a misdemeanor.

5.95.170 – Days and Hours of Operation.

A permittee may conduct bingo games on not more than two days during any seven-day period for a maximum of six hours per day. This limitation shall not preclude a permittee from conducting bingo games on two or more days during said seven-day period at any other location

or locations within the County of Orange pursuant to any other permits or licenses issued by any other city in Orange County, or by the County of Orange. A permittee may not conduct bingo games between the hours of 12:00 midnight and 10:00 a.m. of any day.

5.95.250 – Profits to Be Kept in Separate Fund or Account.

A. All profits derived from any bingo game by any organization exempt from payment of the bank and corporation tax by Section 23701(~~d~~) of the **Revenue and Taxation Code** shall be kept in a special fund or account and shall not be commingled with, or transferred to, any other fund or account of said licensee organization. Such profits shall be used only for charitable purposes.

B. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with, or transferred to, any other fund or account of said licensee organization. Proceeds are the receipts of bingo games conducted by organizations not within subsection A above. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes;

2. A portion of such proceeds not to exceed 20% of the proceeds before the deduction of prizes, or \$2,000.00 per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel;

3. Such proceeds may be used to pay license fees.

5.95.350 – Special Provisions for Limited Bingo Permittees.

A. Organizations to Which Special Provisions Applicable. The special provisions of this section shall apply to those organizations which satisfy all of the following requirements:

1. The organization is a mobile home park association, a senior citizens' group, or a similar type of organization as determined by the Chief of Police.

2. The organization has a permanent, safe, and suitable place in which to conduct a bingo games operation.

3. The organization accepts limitations on the number of bingo players, the charge for bingo cards, and the amount of prize money which can be offered.

B. Limited Bingo Permittee and Applicability of Other Provisions of Chapter **5.95**. An organization which submits an application, pays required fees, and receives a permit, is hereinafter referred to as a "Limited Bingo Permittee" and shall be subject to all of the provisions of Chapter **5.95**, except as may be specifically provided herein in Sections **5.95.350(C)** through **5.95.350(K)**.

C. Limited Bingo Permit Applications.

1. The provisions of Section **5.95.040** notwithstanding, an organization desiring to obtain a permit to conduct bingo games on a limited basis in the City shall complete an application on forms furnished by the Business Services Coordinator which shall satisfy the requirements of Section **5.32.010** of this code. The completed application shall be filed with the Business Services Coordinator.

2. Concurrent with the filing of the completed application with the Business Services Coordinator, the applicant shall file a statement stating the name and address of the person who shall be authorized to manage, supervise, and be responsible for the conduct of all bingo games by the applicant; that person shall be designated the bingo manager. The bingo manager shall be on the premises at all times during which bingo games are being conducted. The person designated as bingo manager shall furnish a signed statement accepting his responsibilities. The applicant shall pay, or cause to be paid, a fee in such an amount as is established from time to time by resolution of the City Council for each background investigation of a bingo manager or alternate bingo manager. In the event any other person is later designated bingo manager, the permittee shall file a new statement and pay the fee specified in this section. To insure that the bingo game operation will continue in the absence of the bingo manager, an alternate bingo manager may be designated to serve when the bingo manager is not present. The requirements for the alternate bingo manager shall be the same as for the bingo manager, including, but not limited to, filing of statement and paying the fee in such an amount as is established by resolution of the City Council for a background investigation.

D. Monthly and Quarterly Reports.

1. A limited bingo permittee shall submit the monthly report of receipts and expenditures and the quarterly financial report in the same manner as other permittees are required to do in accordance with Sections **5.95.110** and **5.95.120**. However, if a limited bingo permittee follows a procedure that insures that all bingo game receipts are expended as prize money on the same day, the reports shall not be required.

2. The monthly report of receipts and expenditures and the quarterly financial report are concerned only with receipts and expenditures directly associated with the bingo game operations. Receipts and expenditures relating to the sale of food, beverages, and merchandise sold during bingo game operations are not included in such reports.

E. Exclusive Operation of Limited Bingo Permittee. A limited bingo permittee shall comply with the provisions of Section **5.95.140(A)**. However, a limited bingo permittee shall have an additional means of satisfying the requirement of Section **5.95.140(B)** to set forth the manner in which a person may become a member of the organization. A limited bingo permittee may cause a memorandum to be prepared stating the qualifications for membership; maintaining the memorandum in a safe place; and producing that memorandum when requested to do so by an authorized representative of the City of Orange.

F. Bingo Games Open to Public. California **Penal Code** Section 326.5(g) requires that all bingo game operations shall be open to the public, not restricted to members of the organization. Any person shall be allowed to participate in a bingo game subject to the requirements and restrictions of this chapter. There is no requirement that the bingo game operation be advertised or given publicity.

G. Attendance Limited. A limited bingo permittee shall comply with the provisions of Section **5.95.200**, subject to an additional restriction that no more than 35 players shall participate in any bingo game.

H. Proceeds to Be Kept Separate. A limited bingo permittee has the choice of accumulating proceeds from bingo game operations or following a procedure which insures that all bingo receipts taken in one day are expended as prize money that same day. If a limited bingo permittee chooses to accumulate proceeds the provisions of Section **5.95.250(B)** shall apply. If the limited bingo permittee chooses to expend all receipts the same day as prize money, then Section **5.95.250(B)** shall not apply.

I. Maximum Charge for Bingo Card. A limited bingo permittee shall not charge a player more than \$0.50 for a bingo card.

J. Maximum Amount of Prizes. The provisions of Section **5.95.280** notwithstanding, the total value of prizes awarded during the conduct of any bingo game shall not exceed \$10.00 for each separate game which is held.

K. No Conditional Use Permit Required. The provisions of Section ~~17.92.010(L)~~ [17.10.030](#) notwithstanding, a limited bingo permittee shall not be required to obtain a conditional use permit.

L. Days and Hours of Operation. The provisions of Section 5.90.170 notwithstanding, a limited bingo permittee which follows a procedure that insures that all bingo receipts are expended as prize money the same day may conduct bingo game operations on not more than two days during any seven day period for a maximum of six hours each day. A limited bingo permittee shall not conduct bingo game operations between the hours of 12:00 midnight and 10:00 a.m. of any day.

SECTION XLV:

Sections 5.98.010 of the Orange Municipal Code, “Business Taxes and Regulations – Amusement Activities – Definition of Amusement Activities” and 5.98.060 of the Orange Municipal Code, “Business Taxes and Regulations – Amusement Activities – Hours of Operation,” are hereby amended to read as follows:

5.98.010 – Definition of Amusement Activities.

For any purpose of this chapter, an amusement activity shall be any ride or conveyance employed wholly for entertainment or amusement, limited to any activity on private property, and excluding private or public transportation over public streets. These activities shall include:

waterslides, go-carts, Ferris wheels, pony rides, and others of similar nature. The regulations shall apply to all areas where any of these activities are conducted on a permanent basis and, therefore, not covered by Chapter ~~5.70~~ 17.46 of the Orange Municipal Code.

5.98.060 – Hours of Operation.

No amusement activity regulated by this chapter shall operate between 10:00 p.m. and 8:00 a.m. of the following morning, unless a conditional use permit, which has been issued pursuant to Chapter 17.~~92~~10 of the Orange Municipal Code, provides for other hours of operation.

SECTION XLVI:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION XLVII:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this _____ day of _____, 2024.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Mike Vigliotta, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2024, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2024 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange