

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE APPEAL OF THE BUSINESS LICENSE, CHANGE DEPARTMENT NAME AND NAME OF BUSINESS LICENSE APPEALS BOARD (AMENDS ORDINANCE NO. 1705 AND CHAPTER 6.02 OF THE MERCED COUNTY CODE).

THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1: Chapter 6.02 of the Merced County Code, entitled "Business Licenses," is hereby amended to read in its entirety as follows:

6.02.010 Purpose and Authority.

The purpose of providing the business license ordinance is for the collection and maintenance of a business database; to identify all businesses operating in the unincorporated areas of the county; to enhance the efficiency of business retention efforts; and to guide business owners to the proper locations to give them an understanding of County regulations affecting their business. Therefore, it is the intent of the Board of Supervisors of the County of Merced to authorize that no person shall maintain, conduct, or carry-on a business, whether or not for profit, located in whole or in part at a fixed place of business within the County and outside the limits of any incorporated city, without first obtaining a license to operate as herein provided. In those instances, identified under Title 6, Chapters 6.04 to 6.58, businesses may also be required to obtain a specific permit or license to operate. (Ord. 1705 § 1, 2003.)

6.02.020 Definitions.

For the purpose of this chapter, the following terms are defined as follows:

- a. "Board" means the Board of Supervisors of Merced County.
- b. "Business" means an occupation, profession or trade; the purchase and sale of wares, merchandise or goods from a motor vehicle or temporary roadside stands; engagement in commerce, manufacturing, or the provision of a service; a building or locale where commerce is carried on. Other definitions of businesses identified under Title 6, Chapters 6.04 to 6.58 are applicable.
- c. "County" means the county of Merced generally and the unincorporated area of the county, particularly, depending on the context in which it is used.
- d. "Fixed Place of Business" means a place of business in the unincorporated area of the County occupied for a particular purpose of conducting business.
- e. "Person" means any person or persons, or any partner or partnership, firm, trust, corporation, association, club, society, or any other entity transacting and carrying on any business in the County other than as an employee, including the soliciting of charitable contributions or donations through gift or sale of merchandise.
- f. "Home-based Business" means any business operated in a residentially zoned location.

- g. “**Department of Commerce, Aviation and Economic Opportunities**” means the Merced County **Department of Commerce, Aviation and Economic Development** or duly authorized assistants who may be charged with the issuance of business licenses and collection of the fee. Also, referred in this chapter as CAED Department.
- h. “Business License” means a license issued by the **Department of Commerce, Aviation and Economic Development** and required pursuant to the provisions of this chapter.
- i. “Temporary Business License” means a license issued by the **Department of Commerce, Aviation and Economic Development** for a limited term use of thirty (30) days or less.
- j. “Nonprofit, charitable organization” means an organization exempt from payment of bank and corporation taxes under the provisions of the California Revenue and Taxation Code Section 23701 and an organization to which contribution or gift would be a charitable contribution under Internal Revenue Service regulations.

Note: Whenever reference in this chapter is made to the Board of Supervisors, the **Department of Commerce, Aviation and Economic Development**, or any other department or office, division, officer or official, the reference shall be deemed to include a county employee, as subordinate to the officer or official to whom an appropriate delegation has been made, and shall be entitled to exercise power or authority and perform the duty. (Ord. 1705 § 2, 2003).

Section 3. Applicability.

This chapter shall apply to all businesses being operated and conducted within the unincorporated area of the county. Every person not having a fixed place of business within the county shall pay a license fee set forth in this chapter for persons engaged in the same type of business having a fixed place of business within the unincorporated area of the county. The determination of the type of business an applicant is engaged in, or about to engage in, shall be the administrative function of the **Department of Commerce, Aviation and Economic Development**. (Ord. 1705 § 3, 2003.)

Section 4. License procedures and fees.

- a. To obtain a business license to operate, written application must be made to the **Department of Commerce, Aviation and Economic Development** on forms provided by the before mentioned department, and shall contain provision for verification of each application by the applicant and a provision for showing that the applicant, if not the owner of the real property on which the “fixed place of business” is or will be situated, has permission or authority to operate at said location.
- b. Upon the filing of an application for a business license, the meeting of the requirements of this chapter shall not supersede or negate compliance with other state and local laws and/ or the requirements pertinent to other county departments.
- c. The **Department of Commerce, Aviation and Economic Development** shall charge and collect the business license fees as illustrated in Exhibit A of this ordinance provided, however, that the payment of business license fees may be waived at the discretion of the **Business License Appeals Board** upon a showing of good cause.
- d. Fees for the issuance and renewal of business licenses shall be paid at the time of and with the filing of the application or renewal with the **Department of Commerce, Aviation and**

Economic Development. Fees associated with specific businesses listed under Title 6, Chapter 6.04 to 6.58 shall be paid to the Sheriff's Department or other department as specified. All fees for an appeal shall be paid at the time of and with the filing of appeal. No application or request for appeal shall be deemed valid or complete until all prescribed fees have been paid.

- e. No person shall be entitled to a business license or renewal, and the **Department of Commerce, Aviation and Economic Development** shall not issue such license or renewal to any person, if prior business license fees are delinquent.
- f. The Board of Supervisors may, by ordinance, prescribe fees for the issuance and renewal of business licenses and temporary business licenses and fees for filing appeals relating to denial for such licenses or the revocation thereof. Such fees shall be for the purpose of defraying costs incurred in the administration of this chapter and business retention efforts for Merced County, and shall be prescribed in amounts yielding revenues which do not exceed the costs of administration of each office and department charged with responsibility under this chapter.
- g. To the extent the Board determines to be practical, such fees may be varied in amounts for the business licenses based on types of businesses, size of businesses, issuance and renewal, and on the basis of other factors. Enterprises operated by certain types of nonprofit organizations may be exempt from fees for the issuance or renewal of business licenses, or appeals associated with the denial or revocation thereof.
- h. The amount of any business license fee imposed by the provisions of this chapter shall be deemed a debt to the County. An action may be commenced in any court of competent jurisdiction for the amount of any delinquent business license fee and penalties. Should court action be required to collect any business license fee or penalties, the defendant shall be liable for costs of suit, including attorney's fee. (Ord. 1705 § 4, 2003.)

6.02.050 Term of business license.

- a. The term for the business license and renewal shall be one year unless revoked sooner or otherwise specified in this chapter.
- b. The **Department of Commerce, Aviation and Economic Development** is not required to send a renewal, delinquency or other notice or bill to any person subject to the provisions of this chapter; and failure to send such notice shall not affect the validity of any business license fee or penalty due under the provisions of this chapter. (Ord. 1705 § 5, 2003.)

6.02.060 Workers compensation.

As required by state law, all persons obtaining a business license must complete a declaration of coverage affirming that all workers compensation requirements have been met. The **Department of Commerce, Aviation and Economic Development** or other County authority may, at any time, require an employer to provide proof of insurance as stated in California Labor Code 3711. (Ord. 1705 § 6, 2003.)

6.02.070 Refunds.

No business license fee collected under the provisions of this chapter shall be refundable in any manner, unless the licensee can document to the satisfaction of the **Department of**

Commerce, Aviation and Economic Development that the licensee had overpaid the business license fee and, within a period of one year from the date on which overpayment was made, files a claim against the county for a refund from the CAED Department for such overpayment. (Ord. 1705 § 7, 2003.)

6.020.080 Penalties – Failure to apply and pay

- a. It is unlawful for any person to commence, transact, engage in, or carry on any business in the county without first having obtained a valid business license or temporary business license or specific permit, paid the business license fee, and complied with any and all applicable provisions of this chapter as specified in this chapter.
- b. If a person has failed to apply for and secure a valid business license prior to commencement of the business, in addition to the business license fee, a penalty of one hundred (100) percent of the business license fee will be added for each month, or portion thereof, after the due date until paid.
- c. If the **Department of Commerce, Aviation and Economic Development** has reasonable cause to believe that a person is conducting business without a business license and submits a written request to said person to apply for a business license and such person fails to apply within thirty (30) days of the request or the CAED Department is not satisfied with the information supplied in any statement or application filed, the Department may determine the amount of the license fee due from such person by means of information obtained by any county department. (Ord. 1705 § 8, 2003.)

6.020.090 Penalties – Failure to pay – annual renewals

For failure to pay a business license renewal fee due, the **Department of Commerce, Aviation and Economic Development** shall add a penalty of one hundred (100) percent of said business license fee beginning thirty (30) days after the expiration date. Business licenses not renewed within sixty (60) days of the license expiration will be canceled. Persons who fail to renew their license, and are still in business, will be required to submit a new application and pay all accrued penalties. (Ord. 1705 § 9, 2003.)

6.020.100 Posting of license.

Any person conducting a business licensed under this chapter, shall post the license to operate in a conspicuous place in the place of business, shall keep it posted until its date of expiration, and shall then remove it. No licensee shall conduct or permit to be conducted the business for which the license has been issued while the license is not so posted. Every person having a license issued under the provisions of this chapter shall produce and exhibit it whenever requested to do so by any authorized county staff. Any person conducting a business as of the date of the enactment of this chapter or at any other time thereafter in more than one location in the unincorporated area of Merced County, shall post at each location a business license to operate or a duplicate thereof issued by the CAED Department. No fee will be charged by the CAED Department for the issuance of a duplicate business license for the purposes of posting at a second location of the same business. Any licensee not operating from a fixed place of business shall keep the license upon his or her person at all times while

conducting such business.

Any person who has a business license in his or her possession or under his or her control who willfully fails to post or exhibit the same on demand is guilty of a misdemeanor and subject to penalties provided under Chapter 1.28.02 of the Merced County Code. (Ord. 1705 § 10, 2003.)

6.020.110 Enforcement of chapter.

- a. It shall be the duty of the CAED Department to collect the business license fee, issue the business license, and perform the duties required by this chapter. The Sheriff's Department, Building and Safety Division of the Department of Public Works, Department of Planning and Community Development, Department of Health Division of Environmental Health, Fire Department, and other county officials may render assistance as may be requested by the CAED Department and the provisions in this chapter.
- b. The CAED Department may adopt rules and regulations consistent with the purpose, intent, and expressed terms of this chapter, as they deem necessary to supplement or clarify such provisions or aid in their enforcement.
- c. The CAED Department, Sheriff's Department, Building and Safety Division of the Department of Public Works, Department of Planning and Community Development, Division of Environmental Health, Fire Department, and other regulatory departments delegated such authority, shall be permitted to enter, free of charge during normal working hours, any such place of business required to be licensed under this chapter, for the purpose of inspection or to demand the display of any business license required.
- d. The CAED Department may, during the term of the business license, require the licensee to complete a business license update form for the purpose of assuring continued compliance with this chapter. The licensee shall, within fifteen (15) calendar days of the date of mailing by the CAED Department of such an information form, return the completed form to the CAED Department. (Ord. 1705 § 11, 2003.)

6.020.120 Evidence of Business.

In the enforcement of any provisions of this chapter, when a person shall by use of signs, circulars, cards, telephone book or newspapers, advertise, hold out or represent that he or she is in business in the county, or when any person holds an active business license issued by a governmental agency indicating that he or she is in business in the county, and such person fails to deny by a sworn statement given to the CAED Department that he or she is conducting a business in the county, after being requested to do so by the CAED Department, then these facts shall be considered prima facie evidence that he or she is conducting a business in the county. (Ord. 1705 § 12, 2003.)

6.020.130 When business license is not required.

No business license shall be required for:

- a. Financial institutions licensed by the State of California (banks, savings and loans, credit unions, title and thrift companies) set forth under the provisions of Article XIII, Section 16, of the Constitution of the State.

- b. Insurance companies and associations under the provisions set forth in Article XIII, Section 16, of the Constitution of the State.
- c. Carries license under the Public Utilities Commission or Interstate Commerce Commission.
- d. Childcare facilities providing for eight (8) or fewer children, and licensed by the State of California.
- e. Any minor under the age of eighteen (18) years shall be exempt from the business license fee provisions of this chapter.
- f. County agricultural land used for vineyards, orchards, row crops, pastures, animal confinement and poultry facilities, and open land grazing. (Ord. 1705 § 13, 2003.)

6.020.140 Transferability

No business license issued pursuant to the provisions of this chapter shall be transferable to another address, owner or type of business. If any of these circumstances occur, the business license becomes void and a new business license must be obtained. (Ord. 1705 § 14, 2003.)

6.020.150 Exemptions from fees-General

- a. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt from fees by virtue of the Constitution or applicable statutes of the United States, or of the State of California.
- b. Any person claiming an exemption from the fees pursuant to this chapter shall file a sworn statement, as prescribed and with the **Department of Commerce, Aviation and Economic Development**, stating the facts upon which the exemption is claimed and shall furnish such information and verification as may be required. In absence of such statement substantiating the claim, such person shall be liable for the payment of the license fee imposed by this chapter.
- c. Upon a proper showing contained in the sworn statement, the **Department of Commerce, Aviation and Economic Development** shall issue a business license to such a person claiming the exemption from fees, pursuant to the provisions of this chapter, without payment to the county of the license fee imposed by this chapter.
- d. The **Department of Commerce, Aviation and Economic Development**, after giving written notice to the licensee, may revoke any business license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this chapter. (Ord. 1705 § 15, 2003.)

6.020.160 Exemption from fees-Specific

Any nonprofit, charitable organization exempt from payment of bank and corporation taxes under the provisions of the California Revenue and Taxation Code Section 23701 and an organization to which a contribution or gift would be a charitable contribution under Internal Revenue Service regulations shall be exempt from payment of fees but shall be required to apply for a business license. This exemption shall not apply to promoters employed by such nonprofit institutions, corporations or associations. (Ord. 1705 § 16, 2003.)

6.020.170 Multiple businesses

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- a. A separate business license shall be obtained for each branch and establishment or place of business in the unincorporated area of the county. If more than one business is operated from the same location and by the same person, a separate business license is required for each type of business.
- b. Warehouses and distribution plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.
- c. In instances where space within an office building, shopping center, warehouse, department store or other structure or property is leased for business or commercial use, each tenant of the premises operating an enterprise required to be licensed hereunder shall apply for and obtain the necessary business licenses as prescribed by this chapter. (Ord. 1705 § 17, 2003.)

6.020.180 Home-based businesses.

All persons obtaining a business license to conduct a business from their home must comply with all restrictions, regulations and zoning ordinances required by the Building and Safety Division of the Department of Public Works, Department of Planning and Community Development, Division of Environmental Health, the **Department of Commerce, Aviation and Economic Development**, and other county departments. (Ord. 1705 § 18, 2003.)

6.020.190 Duplicate license.

A duplicate license may be issued by the **Department of Commerce, Aviation and Economic Development** to replace any business license previously issued under the provisions of this chapter which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the CAED Department a fee for processing a duplicate business license. The fee for such duplicate business license shall be a charged of fifteen dollars (\$15.00). (Ord. 1705 § 19, 2003.)

6.020.200 Other regulations and fees.

- a. Persons required to pay a business license fee for transacting or carrying on any business under this chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the county and shall remain subject to the regulatory provisions of other ordinances.
- b. No person shall be entitled to a business license, nor shall the CAED Department issue a business license to any person commencing business, unless and until said person shall have complied with all applicable county ordinances. (Ord. 1705 § 20, 2003.)

6.020.210 Violations and Punishment.

- a. Violation of any part of this chapter, including any applicant or designee who knowingly or intentionally misrepresents to any officer or employee of the county any material fact in obtaining the business license provided for by this chapter, is a misdemeanor and is punishable as provided by Chapter 1.28.02 of the Merced County Code and California Government Code 25132.

- b. Civil action may be instituted by the **Department of Commerce, Aviation and Economic Development** to collect delinquent business license fees. In addition to delinquent fees collected, the county shall be entitled to the actual court costs incurred and any recovery costs charged for an investigation by any regulatory county department. (Ord. 1705 § 21, 2003.)

6.020.220 Grounds for refusal of business license.

The **Department of Commerce, Aviation and Economic Development** may refuse to issue a business license if any of the following conditions exist:

- a. Fraudulent representations in the application;
- b. Failure to furnish all information required by the application;
- c. Failure to pay the required business license fees;
- d. When such business would be an improper land use under the county zoning ordinance;
- e. Failure to pay current personal property taxes when due on personal property held in connection with the business licensed under this chapter;
- f. The structure proposed for occupancy does not meet the inspection requirements of the Building and Safety Division of the Department of Public Works;
- g. Violation of any federal or state law, or failure to meet the approval of any state or county agency having regulatory authority over that business, including but not limited to the Sheriff's Department, Department of Public Works, Building and Safety Division, Department of Planning and Community Development, Division of Environmental Health, and the Fire Department;
- h. Revocation of prior business license pursuant to Section 23.
- i. It has been determined that the health, safety and welfare of the public is jeopardized. (Ord. 1705 § 22, 2003.)

6.020.230 Revocation of business license.

- a. The **Department of Commerce, Aviation and Economic Development** or other code enforcement official shall revoke any business license issued under this chapter if any of the following conditions exist:
 - 1. Violation of any condition of the business license;
 - 2. Violation of any provisions of this chapter;
 - 3. Business license was obtained by fraud;
 - 4. Failure to divulge that licensee has been convicted of any crime, including misdemeanors, involving moral corruption;
 - 5. Conducting the business in an unlawful manner or in such a manner as to be a nuisance to the public's health, safety and welfare;
 - 6. Failure to pay personal property taxes when due on personal property held in connection with the business licensed under this chapter;
 - 7. A change is made in the structure occupied for business purposes, so that it no longer meets the requirements of the Building and Safety Division;
 - 8. Violation to any County Ordinance or Code;
 - 9. The **Department of Commerce, Aviation and Economic Development** or other code enforcement official shall execute an order immediately suspending

a business license pending the next meeting of the appeals board, when the CAED Department determines that the Sheriff, the Fire Marshal, the director of Environmental Health, director of Planning and Community Development, the Building and Safety Division of the Department of Public Works or the director of the Department of Animal Control has brought an accusation against the business containing allegations that the business is operating in violation of any federal, state, or local law or regulation, and as a result of the violation, an imminent threat to public peace, health or safety exists.

- b. No business license may be revoked until the **Department of Commerce, Aviation and Economic Development** or other code enforcement official gives such business owner personal notice. Personal notice shall be in the form of a notice of intent to revoke license which will be delivered to the owner of the business in any of one of the following manners:
 - 1. By certified or registered mail addressed to the owner of the business as the owner's name and address appear on the application for a business license;
 - 2. By delivering the notice in person to the owner, any partner or corporate officer named on the application for a business license;
 - 3. By delivering the notice to any employee of the owner at the fixed place of business specified in the application for a business license;
 - 4. By posting the notice in a conspicuous place upon the premises of the fixed place of business as specified in the application for a business license.
- c. The notice of intent to revoke the business license, dated and signed by the **Department of Commerce, Aviation and Economic Development** or any authorized employee, shall identify the business license affected by number, name of business and specify the grounds for which the business license is to be revoked. The revocation, as specified in the notice, shall become effective after the appeal period has expired (**except when imminent threat to public peace, health and safety exists, in which case, suspension shall be immediate**).
- d. Upon revocation of any business license, no part of the fee paid may be refunded.
- e. No person may secure any business license that has had a license issued under this chapter revoked within the proceeding six months. (Ord. 1705 § 23, 2003.)

6.02.240 Appeals.

- A. Any person aggrieved by a decision of the **Department of Commerce, Aviation and Economic Development**, or other approving authority, with respect to the issuance of, refusal to issue or revocation of a business license, or the need for a business license, may appeal to the **Business License Appeals Board**, in writing, with a statement of the reason(s) or fact(s) for the appeal; citing the law(s), rule(s) and regulation(s) or procedure(s) on which the appeal is based. All appeals to the **Business License Appeals Board** must be in writing and received by the secretary to the **Business License Appeals Board** (Director of CAED) seven (7) days following the rejection of application or renewal, order of immediate revocation or suspension, or notice of intent to revoke license. Any person filing an appeal with the **Business License Appeals Board** that does not follow the procedures set forth in this chapter shall not be considered. Upon receipt of the written statement, the **Business**

License Appeals Board will meet to resolve the appeal within thirty (30) days. The decision of the **Business License Appeals Board** shall be final.

- B. The appellant may appear in person or by counsel and present any relevant evidence relating to grounds for refusal or revocation of the license or the lack of such grounds. The **Department of Commerce, Aviation and Economic Development** or other approving authority may present evidence in rebuttal thereof. The hearing may be continued from time to time, not to exceed thirty (30) days in all. The **Business License Appeals Board** shall find and determine from the evidence submitted whether one or more of the grounds specified in Section 22 or Section 23 for the refusal or revocation of the license existed, direct the issuance or reinstatement of the license if the finding is that no such grounds existed, or affirm the refusal or revocation if the Board's finding is that the grounds do exist. Upon a showing of good cause, and solely in its discretion, the **Business License Appeals Board** may waive the payment of business license.
- C. The **Business License Appeals Board** will consist of five individuals, appointed by each of the five district supervisors, to serve no more than a two-year term. Each member selected to the **Business License Appeals Board** will be a representative from the private business sector in each of the five supervisorial districts. (Ord. 1712 § 1, 2003; Ord. 1705 § 24, 2003.)

6.020.250 Temporary Business Licenses

The purpose of a temporary business license is to establish those businesses and/or employees that require a business license for a limited time period prior to the commencement of operation. Temporary business licenses are issued to persons for temporary business activities of thirty (30) days or less.

- A. All applications for a temporary business license shall be filed with the CAED Department. The CAED Department shall collect the required fee for the application as specified in Exhibit A, assure the application is complete and forward the application to the Sheriff's Department, or other regulatory county departments if applicable, for processing, investigation and approval if required. If the temporary business license is denied, the applicant will be informed in writing and advised of his or her right to appeal.
- B. Upon approval by the **Department of Commerce, Aviation and Economic Development** and other regulatory county departments if required, the temporary business license will be issued to the applicant. All business licenses are issued by the **Department of Commerce, Aviation and Economic Development** with the exception of those businesses specified in Chapters 6.04 through 6.58 of Title 6 which are issued by the Sheriff's Department and whose fees are determined by the Sheriff's Department.
- C. A temporary business license will not be issued if any of the following conditions exist:
 - 1. The issuance of such a license would be detrimental to the public's health, safety or welfare;
 - 2. The applicant has been convicted of a felony or a crime involving moral corruption;
 - 3. The applicant has made a willfully false statement on his or her application;
 - 4. There exist grounds for refusal under Section 22;

5. The applicant has failed to comply with applicable state requirements.
- D. The **Department of Commerce, Aviation and Economic Development**, Department of Public Works, Building and Safety Division, Planning and Community Development, Environmental Health, Fire Marshal, Sheriff's Department, and any other regulatory county department shall have the authority summarily to suspend any temporary business license issued under this section if he or she has reasonable cause to believe that there are grounds for revocation under Section 23.
- E. Additional fees may be required of temporary business license applicants that need approval by the Sheriff's Department or other regulatory county department. (Ord. 1705 § 25, 2003.)

6.020.260 Business License Fee Phase-In.

The execution of the business license requirement will begin in a sequential phase-in order:

- A. Phase I (September 1, 2003 – December 31, 2003) – Every person not having a fixed place of business within the cities and county of Merced and engaging in the same type of business within the unincorporated areas of Merced County; And every person seeking to commence a fixed place of business within the unincorporated areas of the county and are compliant with state and local laws, and required fees and approvals by the Department of Public Works, Planning and Community Development, Environmental Health, Building and Safety Division, Sheriff's Department, and the Fire Marshal.
- B. Phase II (January 1, 2004 – April 30, 2004) – Every person having a fixed place of business located within the six (6) cities of Merced County and engaging in the same type of business within the unincorporated areas of Merced County.
- C. Phase III (May 1, 2004 – August 31, 2004) – Every person having an existing fixed place of business located within the unincorporated areas of the Merced County. (Ord. 1705 § 26, 2003.)

SECTION 2 Validity.

If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Board of Supervisors hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase therefore, irrespective of the fact that one or more section, subsection, sentence, clause, word or phrase be declared invalid or unconstitutional.

SECTION 3 Enactment.

This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof, shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with names of the members of the Board of Supervisors voting for and against the same. (Ord. 1705 § 28, 2003.)

SECTION 4:

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All other provisions of Chapter 6.02 of the Merced County Code are unchanged by this Ordinance and remain in full force and effect.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California at a regular meeting thereof held on the 28th day of February, 2006, by the following vote:

SUPERVISORS

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

DEMITRIOS O. TATUM
Clerk of the Board of Supervisors of the
County of Merced

by _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:
Merced County Counsel

By: _____