

Chapter 7.35 REGULATION OF KENNELS

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7.35.010 Definitions.

Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Cat" means any cat or feline.

"Chief of Police" means the Chief of Police of the City of Newport Beach, or his or her designated representative.

"Commercial kennel" means any place where more than three dogs over the age of four months, three cats over the age of four months, or three other animals are treated, conditioned, boarded, raised or offered for sale for any form of compensation, including, but not limited to, donations by any person or entity. The definition of commercial kennel shall not include a kennel operated by a State-licensed veterinarian or any pet store.

"Dog" means any dog or any canine.

"Kennel" means any commercial kennel, non-profit kennel or private kennel.

"Non-profit kennel" means any place owned or operated by a non-profit organization where more than three dogs over the age of four months, three cats over the age of four months, or three other animals are treated, conditioned, boarded, or raised and whose function is to rescue, care, feed and place animals with the public either for no compensation or for donations. The definition of a non-profit kennel shall not include a location operated by a State-licensed veterinarian or any pet store.

"Non-profit organization" means a non-profit organization, as defined in Section 501(c)(3) of the Internal Revenue Code.

“Operator” means the legal owner, permit holder, or person in actual control of any activity involving animals at a kennel.

“Owner” means the actual custodian of an animal, whether or not that person is the legal owner, the caretaker, or merely the possessor of an animal. Any person who is registered as the owner on a license or other legal document shall be deemed an owner of the animal.

“Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

“Private kennel” means any place where more than three dogs over the age of four months, three cats over the age of four months, or three other animals are treated, conditioned, boarded, or raised for which no compensation is received, including, but not limited to, donations by any person or entity. The definition of private kennel shall not include a location operated by a State-licensed veterinarian or any pet store.

“Run” means the floor surface and cage, exclusive of the sleeping box, used to contain or maintain dogs, cats or other animals. (Ord. 2008-12 § 1 (part), 2008)

7.35.020 Operator’s Permit Required.

No person shall operate a kennel within the City without first obtaining an operator’s permit pursuant to this chapter. (Ord. 2008-12 § 1 (part), 2008)

7.35.030 Application for Operator’s Permit.

A. Required Forms. Any person desiring an operator’s permit for a kennel shall file a written application on the required forms prescribed by the Chief of Police who shall conduct an investigation.

B. Required Information. The application for a commercial kennel or non-profit kennel shall contain or be accompanied by the following information:

1. The type of ownership of the business, i.e., whether by a sole proprietorship, partnership, corporation or otherwise. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the State and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent of the stock of that corporation. If the applicant is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If it is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer;
2. The precise name under which the commercial kennel or non-profit kennel is to be conducted;
3. The name and address of the owner and lessor of the real property upon or in which the commercial kennel or non-profit kennel is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a commercial kennel or non-profit kennel will be located on his or her property;
4. All necessary information establishing that the proposed commercial kennel or non-profit kennel use complies with the zoning regulations of the City;

5. A list of the type(s) of animals proposed to be kept or used for any purpose, together with the estimated maximum number thereof;
 6. The days and hours that the commercial kennel or non-profit kennel is open to customers or the public;
 7. Authorization for the City, its agents and employees to seek verification of the information contained in the application;
 8. Such other documents and information as the Chief of Police may require to determine the truth of the matters herein specified and as required to be set forth in the application.
- C. **Verification.** The application shall be completed and signed by the operator of the proposed kennel, if a sole proprietorship; all general partners, if the operator is a partnership; two officers or two directors, if the operator is a corporation; and one participant, if the operator is a joint venture. The person(s) signing the application for a kennel operator's permit shall certify under penalty of perjury that all information contained in the application is true and correct.
- D. **Notification.** If, during the term of a permit, the permit holder has any change in information submitted on the original or renewal application, the permit holder shall notify the Newport Beach Police Department of such change within ten business days thereafter, in writing.
- E. **Fees.** Applications for a kennel operator's permit shall be accompanied by a fee as established by resolution of the City Council. Non-profit kennels shall not be charged any application or permit fee under this chapter.
- F. **Waivers.** The Chief of Police may waive the submission of items deemed unnecessary. (Ord. 2008-12 § 1 (part), 2008)

7.35.040 Police Department Review.

- A. **Time Limits and Notification.** Within thirty (30) calendar days of the filing of an application, the Chief of Police shall determine whether the application is complete and notify the applicant in writing if the application is determined to be incomplete.
- B. **Incomplete Applications.** If the application is determined to be incomplete, the Chief of Police shall notify the applicant in writing and shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information or materials needed to complete the application. Upon the receipt of the information or materials needed to complete the application, or any resubmittal of the application, a new thirty (30) calendar day review period shall begin to determine the completeness of the application.
- C. **Extension of Time Limits.** Extensions of the time limits of the review period are permitted when mutually agreed upon by the Chief of Police and the applicant. (Ord. 2008-12 § 1 (part), 2008)

7.35.050 Operator's Permit Issuance and Denial.

The Chief of Police shall issue such permit as requested, unless he or she makes any of the following findings:

- A. The applicant, if an individual; or any of the officers or directors of the corporation, if the applicant is a corporation; or a partner, if the applicant is a partnership; or a participant, if the operator is a joint venture; or any of operator's members, managers, volunteers or employees has:
1. Within eight years preceding the date of the application or a renewal application, been convicted on two occasions of violating any statute, rule or regulation prohibiting cruelty to animals, including, but not limited to, any conviction of California Penal Code Sections [597](#), [597a](#), [597b](#), [597c](#), [597e](#), [597f](#), [597g](#), [597h](#), [597i](#),

[597j](#), [597k](#), [597m](#), [597n](#), [597o](#), [597r](#), [597s](#), [597t](#), [597u](#), [597v](#), [597x](#), [597y](#), [597.1](#), [598](#), [598a](#), [598b](#), [598c](#), [598d](#), [599](#), [600](#), [600.2](#), or [600.5](#), or accepted a plea of guilty or nolo contendere to any lesser included or lesser related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes;

2. Within eight years preceding the date of the application or a renewal application, been convicted on two occasions of any offense in any other State which is the equivalent of any of the abovementioned offenses;

3. Been engaged in conduct in another jurisdiction which, if it had occurred within the City, would constitute grounds for denial, suspension or revocation under this chapter;

4. Been subjected to a permanent injunction against the conducting or maintaining of a nuisance;

5. On two occasions, within the last eight years, been engaged in conduct which would constitute an offense as described in subsection (A)(1) of this section;

6. Committed an act in another jurisdiction which, if committed in this State, would have been a violation of law and, which, if done by a permittee under this chapter, would be grounds for denial, suspension or revocation of the permit;

7. 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;

8. Had a kennel operator permit or other similar license or permit denied, suspended or revoked for cause by a licensing authority or by any City, County or State;

9. Made a false, misleading or fraudulent statement or omission of fact to the City in the permit application process;

10. Failed to submit an application that contains all of the information required by Section [7.35.030](#);

11. Proposed a kennel that does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards;

12. Within eight years of the date of the application, been convicted on two occasions of a criminal offense for violating the requirements of this chapter;

13. Within eight years of the date of the application, had a dog owned or under the persons control declared to be potentially dangerous or vicious.

B. If the application is denied, the applicant may not reapply for a period of six months from the date the application was denied.

C. No permit granted herein shall confer any vested right to any person or business. (Ord. 2008-12 § 1 (part), 2008)

7.35.060 Requirements of Operation.

A. All operators and managers of a commercial kennel or non-profit kennel shall comply with the following conditions and any other conditions specified by the Chief of Police:

1. No person granted a permit pursuant to this chapter shall use any name or conduct business under any designation not specified in his or her permit.

2. All commercial kennels and non-profit kennels required to be permitted under this chapter shall have a manager on the premises at all times the kennel is open to customers or the public. The operator of each

kennel shall file a statement with the Chief of Police designating the person or persons with power to act as a manager. The operator and/or on duty manager shall post, on a daily basis, the name of each on duty manager in a conspicuous public place in the lobby of the commercial kennel or non-profit kennel. The operator, or the manager in the operator's absence, shall be responsible for ensuring compliance with this chapter.

3. An operator and/or on duty manager shall be responsible for the conduct of all employees, volunteers or independent contractors while they are on the permitted premises. Any act or omission of any employee, volunteer or independent contractor constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's permit shall be revoked, suspended, denied or renewed.

4. The Chief of Police shall establish the kind and maximum number of animals authorized to be maintained on the premises. The operator and/or on duty manager shall not maintain, treat, condition, board, raise or offer for sale for any compensation, including, but not limited to, donations, at the commercial kennel or non-profit kennel any kind of animal not authorized by the Chief of Police and/or that exceeds the maximum kind and number of animals authorized by the Chief of Police.

5. The operator shall report in writing any changes in address, ownership, or management to the Chief of Police at least fifteen (15) calendar days prior to such change.

6. Operator shall maintain a register of the names and addresses of person from whom animals have been received and to whom animals have been sold, traded, rented, leased, or given. This information shall be available to the Chief of Police upon demand.

7. A copy of these regulations shall be issued to each applicant for a permit. The applicant shall acknowledge receipt of such standards and shall agree to comply with same by signing a form provided for the purpose by the Chief of Police. Such form shall be filed with the application for a permit.

8. The operator shall display the permit issued by the Chief of Police in the office, reception room, or other area accessible for inspection.

9. Each permit shall automatically terminate on the expiration date shown thereon unless, on or before such date, application for renewal has been submitted and approved as herein provided.

10. All operators, upon being granted a commercial kennel or non-profit kennel operator's permit, do thereby consent and agree to the entry upon the premises described in the permit by the Chief of Police or his/her authorized designee for the purpose of conducting such inspections as he/she may deem required. The inspections shall be conducted with the operator or manager present.

11. The operator shall comply with all provisions of this chapter, all conditions set by the Chief of Police, and any applicable provisions of this Code.

B. All operators of a private kennel shall comply with the following conditions and any other conditions specified by the Chief of Police:

1. The Chief of Police shall establish the kind and maximum number of animals authorized to be maintained on the premises. The operator shall not maintain, treat, condition, board, or raise any kind of animal not authorized by the Chief of Police and/or that exceeds the maximum kind and number of animals authorized by the Chief of Police.

2. The operator shall report in writing any changes in address to the Chief of Police at least fifteen (15) calendar days prior to such change.

3. All animals maintained, treated, conditioned, boarded or raised at the premises shall be owned by the operator.
4. A copy of these regulations shall be issued to each applicant for a permit. The applicant shall acknowledge receipt of such standards and shall agree to comply with same by signing a form provided for the purpose by the Chief of Police. Such form shall be filed with the application for a permit.
5. All operators, upon being granted a kennel operator's permit, do thereby consent and agree to the entry upon the premises described in the permit by the Chief of Police or his or her authorized designee for the purpose of conducting such inspections as he or she may deem required upon seventy-two (72) hours' written notice. The inspections shall be conducted with the operator present.
6. Each permit shall automatically terminate on the expiration date shown thereon unless, on or before such date, application for renewal has been submitted and approved as herein provided.
7. The operator shall comply with all provisions of this chapter, all conditions set by the Chief of Police, and any applicable provisions of this Code. (Ord. 2008-12 § 1 (part), 2008)

7.35.070 Humane Animal Care.

A. Sale of Puppies and Kittens. Every person who owns, conducts, manages or operates commercial kennel or non-profit kennel shall comply with each of the following conditions:

1. No puppy or kitten under the age of eight weeks shall be brought or shipped into the City for the express purpose of selling the animal. This subsection shall not apply to non-profit kennels that accept a distressed puppy or kitten under the age of eight weeks from any other location.
2. Every puppy or kitten offered for sale must be examined by a State-licensed veterinarian for distemper, worms, skin disease and ear mites, and other disease or conditions which would be injurious to the animal or a potential owner.
3. Every puppy or kitten offered for sale, including, but not limited to, donations from any person or entity, shall have been vaccinated against distemper. Documentation providing the date and treatment shall be provided to the purchaser or donor at the time of sale.

B. Feeding and Watering. Every person who owns, conducts, manages or operates a kennel shall comply with each of the following conditions:

1. Animals shall be provided food which shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the animal.
2. Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every two weeks. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of food.
3. Clean potable water shall be available to the animals in conformance with the principles of good animal husbandry unless restricted for veterinary care. Watering receptacles shall be kept clean and shall be sanitized at least once every two weeks. (Ord. 2008-12 § 1 (part), 2008)

7.35.080 Kennel Construction Standards—General.

Every person who owns, conducts, manages or operates a kennel shall comply with each of the following conditions:

- A. Construction and Maintenance. Housing facilities for animals shall be constructed, equipped, and maintained so as to continuously provide a healthful and sanitary environment, as approved by the Chief of Police, for the animals kept or to be kept therein.
- B. Shelter and Exercise. There shall be adequate shelter from the elements and sufficient space for exercise.
- C. Waste Disposal. There shall be adequate drainage and satisfactory sanitary disposal of both natural precipitation and animal wastes of all kinds. If disposal is by a sanitary sewage system, it must comply with the provision of the California Plumbing Code and other applicable ordinances and regulations. (Ord. 2008-12 § 1 (part), 2008)

7.35.090 Kennel Operating Standards—General.

Every person who owns, conducts, manages or operates a kennel shall comply with each of the following conditions:

- A. Good Citizenship. No person shall allow any animal for which they are responsible to constitute or cause a hazard, or to be a menace to the health, safety, or peace of the community. Each animal for which the person is responsible shall be kept in such a manner as may be prescribed to protect the animals from the public and the public from the animals.
- B. Cruelty. Each person who is responsible for an animal shall take every reasonable precaution to insure that animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or means. Any tack, equipment, device, substance, or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited. Animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury or torment. Antibark collars and sedatives shall not be used by operators on any animal without the written permission of the owner of the animal.
- C. Health. No person shall display any animal bearing evidence of malnutrition, ill health, unhealed injury, or having been kept in an unsanitary condition. Operator shall isolate sick or diseased animals from healthy animals at all times and in such a way that diseases or parasites will not be transmitted to other animals. The Chief of Police or his/her designee may order any animal to be examined and/or treated by a veterinarian.
- D. Vector Control. There shall be adequate and effective means of control of insects and rodents and such control must be vigorously maintained at all times.
- E. Waste Disposal. Each person shall provide for the daily disposal of all animal feces and wastes. If disposal is by other than a sanitary sewerage system, dead animals, manure, and wastes shall be collected not less often than daily, and shall be stored in fly-tight containers until removed.
- F. Escaped Animals. Operator has full responsibility for recapturing any animal that escapes.
- G. Exercise. All efforts to exercise animals shall be documented on a "Daily Exercise Log." This log shall be open to inspection by the Chief of Police. Logs shall be maintained for a period of one year. (Ord. 2008-12 § 1 (part), 2008)

7.35.100 Indoor Kennel Standards.

Every person who owns, conducts, manages or operates a kennel shall comply with each of the following applicable conditions for indoor housing facilities:

- A. Heating. Kennels shall be sufficiently heated when necessary to protect the animals from cold and to provide for their health and comfort.
- B. Ventilation. Kennels shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such kennels shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be so ventilated as to minimize drafts, odors, and condensation of moisture. Auxiliary ventilation, such as exhaust fans or vents or air conditioning, shall be provided when the temperature at the level of the animals is eighty-five (85) degrees Fahrenheit or higher.
- C. Lighting. Kennels shall have ample and well-distributed light by natural or artificial means adequate to permit routine observation of the animals and/or proper cleaning of the facilities.
- D. Interior Surfaces. Interior surfaces of commercial kennels and non-profit kennels shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
- E. Drainage. A suitable method shall be provided to rapidly eliminate excess water at commercial kennels and non-profit kennels. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and installed in accordance with plumbing codes and applicable ordinances and regulations so as to prevent any backup of sewage onto the floor of the room. (Ord. 2008-12 § 1 (part), 2008)

7.35.110 Outdoor Kennel Standards.

Every person who owns, conducts, manages or operates a kennel shall comply with each of the following conditions for outdoor housing facilities:

- A. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.
- B. The animals shall be provided with access to shelter to allow them to remain dry during inclement weather.
- C. When the atmospheric temperature falls below fifty (50) degrees Fahrenheit, sufficient clean bedding material or other means of protection from the weather shall be provided for those animals not acclimated thereto. (Ord. 2008-12 § 1 (part), 2008)

7.35.120 Kennels for Dogs.

Every person who owns, conducts, manages or operates a commercial kennel or non-profit kennel housing dogs shall comply with each of the following conditions:

- A. Exterior Enclosed. The exterior of the commercial kennel or non-profit kennel area shall be completely fenced or otherwise enclosed.
- B. Run Sizes. All commercial kennels or non-profit kennels housing dogs shall have runs. Each single run shall have a minimum floor area of sixteen (16) square feet, not including the housing area, and the width shall be not less than three linear feet. Each dog confined in such run shall be provided a minimum square footage of floor space equal to twice the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, expressed in square feet.
- C. Run Construction. Runs shall be constructed to effectively enclose the dogs housed therein. Construction shall permit ready observation and handling of dogs confined, and also for ease of cleaning. Dogs belonging to different owners shall not be housed or penned together without the written approval of all owners concerned. All runs shall be constructed as follows:

1. Concrete, asphalt, or other nonporous material, with a slope to a drain or gutter of not less than one-fourth (1/4) inch per foot; such drain or gutter shall be connected to an approved sewerage system as required by the California Plumbing Code;
 2. Pea gravel or other suitable material of sufficient thickness, and over an adequately porous base to assure that all liquids are readily drained away (no matter from what source) and that solid material can be readily removed and properly disposed of. The finding of heavy concentrations or parasite eggs in samples taken from the upper three inches of the run floor shall be adequate evidence that the cleaning and sanitation of the run is not being satisfactorily accomplished; or
 3. Any manner which assures that all waste material can be easily removed and/or washed away, and that the run and surrounding area is sanitary and free from parasitic buildup.
- D. Commercial Kennels Boarding Dogs not Owned by the Operator or Owner of the Commercial Kennel. All commercial kennels shall require an owner's written statement that his dog(s) is immunized against distemper, hepatitis, and leptospirosis before accepting dogs for boarding or breeding.
- E. Housing Size. Primary enclosures must also comply with one of the following:
1. Regular Housing. The run must be contiguous with the enclosure, or other shelter acceptable to the Chief of Police which is continuously accessible and shall provide each dog housed therein a minimum square footage such that the dog can turn about freely and easily stand, jump, sit, or lie in a comfortable position.
 2. Temporary Housing. For animals being transported in a vehicle, held at a pet show, or otherwise temporarily housed for not more than seventy-two (72) hours, or as otherwise specified by the Chief of Police, the house (cage, crate, etc.) must provide sufficient space to allow each dog to turn freely and to easily stand, sit, and lie in a comfortable position. After each twelve (12) hours of confinement in such an enclosure, the dog must be removed to an exercise area of not less than sixteen (16) square feet, for at least one full hour. The finding of a dog being forced to lie in its own excrement shall be considered evidence that the provisions of this section are being violated.
- F. Housing Construction. All primary enclosures shall be structurally sound and maintained in good repair to protect the dogs from injury, to contain them and to keep predators out. They shall be constructed and maintained so as to enable the dogs contained therein to remain dry and clean, and to permit regular and effective sanitation. The dogs contained therein shall have convenient access to clean drinking water. If the floor is solid and the dog cannot exit at will, there shall be newspapers, shavings, or other absorbent material on the floor. (Ord. 2008-12 § 1 (part), 2008)

7.35.130 Cat Enclosure Construction.

Every person who owns, conducts, manages or operates a commercial kennel or non-profit kennel housing cats shall comply with each of the following conditions:

- A. Enclosures shall be constructed to effectively enclose the cats housed therein.
- B. Construction shall permit ready observation and handling of cats confined, and also ease of cleaning.
- C. There shall be elevated solid resting shelves or surfaces of adequate size to comfortably hold all occupants of the enclosure at the same time.
- D. Enclosures shall be floored in any manner which assures that all waste material can be easily removed and/or washed away, and that the enclosure and surrounding area is sanitary and free from parasitic buildup.

E. The enclosure shall contain clean drinking water and a receptacle containing sufficient clean litter to contain the excreta. (Ord. 2008-12 § 1 (part), 2008)

7.35.140 Rabies Vaccination.

It is the responsibility of the operator or on duty manager to be able to prove at any time that all dogs on the premises, which are over four months of age, have been properly vaccinated against rabies. (Ord. 2008-12 § 1 (part), 2008)

7.35.150 Identification.

A commercial kennel or non-profit kennel operator must maintain some type of animal or cage identification system by which the records required to be maintained in the office can be related to individual animals.

A. For dogs required to be individually licensed, this shall consist of: (1) the license tag either on the dog; (2) the license tag number recorded and placed nearby so that it is readily identifiable with the dog to which it belongs; or (3) if the dog is not licensed, that fact shall be clearly noted on the kennel record.

B. For a dog staying on a temporary basis, which is not required to be individually licensed, the custodian must have in his/her possession some identification and evidence of his/her relationship to the owner thereof. (Ord. 2008-12 § 1 (part), 2008)

7.35.160 Fees.

The City Council shall establish by resolution, and from time to time may amend, the fees for the administration of this chapter. Fees required by this chapter shall be in addition to any required under any other chapter of this Code. Non-profit kennels shall not be charged any fees associated with the administration of this chapter. (Ord. 2008-12 § 1 (part), 2008)

7.35.170 New/Existing Permittees.

A. Commencing on the effective date of the ordinance codified in this chapter, all permits are to be issued in accordance with the provisions of this chapter. Any operator who does not have a permit, shall obtain a permit within ninety (90) days of the effective date of the ordinance codified in this chapter.

B. Existing operator's permits shall continue in effect until expiration or one year after the effective date of the ordinance codified in this chapter, whichever is sooner. (Ord. 2008-12 § 1 (part), 2008)

7.35.180 Transfer and Duration of Permits.

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

B. Operator's permits shall be for a period of three years provided that the operator continues to meet the requirements set out in this chapter.

C. Applications for the next ensuing permit shall be filed with the Chief of Police before the expiration of the existing permit. Temporary permits will not be issued and renewal applications must be filed no later than sixty (60) calendar days prior to the expiration of the permit to prevent a lapse of the permit.

D. Renewal applications shall require such information as may be required by the Chief of Police to update the information contained in the original permit application. The applicant shall accompany the application for renewal with the appropriate filing fee established by resolution of the City Council. (Ord. 2008-12 § 1 (part), 2008)

7.35.190 Suspension, Revocation, Denial and Appeal.

A. Violation and Noncompliance. The Chief of Police may deny an application for a permit, may refuse to renew a permit or may revoke or suspend an existing permit on the grounds that the applicant or permit holder has failed to comply with the permit conditions, based on the grounds set forth in Section [7.35.050](#) of this chapter or other requirements of this chapter. If a suspended permit lapses during the suspension period, a new application must be made at the end of the suspension period. In any such case, the applicant or permit holder shall have the right to appeal to an Administrative Hearing Officer in the time and manner set forth in this section.

B. Notice. When the Chief of Police concludes that grounds for denial, suspension, revocation or refusal to renew an existing permit, the Chief of Police shall serve the applicant or permit holder, either personally or by certified mail addressed to the business or residence address of applicant or permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew existing permit. This notice shall state the reasons for the proposed action, the effective date of the decision, the right of the applicant or permit holder to appeal the decision to an Administrative Hearing Officer, and the decision will be final if no appeal is filed within the time permitted.

C. Appeal.

1. The right to appeal to an Administrative Hearing Officer shall terminate upon the expiration of fifteen (15) calendar days of the date of mailing of the notice. The notice of appeal is to be sent to the Police Department of the City of Newport Beach.
2. In the event an appeal is timely filed, the suspension or revocation shall not be effective until a final decision has been rendered by the Administrative Hearing Officer. If no appeal is filed, the suspension or revocation shall become effective upon expiration of the period for filing appeals.
3. Procedures for appeals to an Administrative Hearing Officer shall be the same as the appeal procedures set forth in Chapter [1.05](#) of this Code, except as expressly set forth in this section. (Ord. 2008-12 § 1 (part), 2008)

**The Newport Beach Municipal Code is current through
Ordinance 2019-12, passed July 23, 2019.**

Disclaimer: The City Clerk's Office has the official version of the Newport Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.