

ARTICLE 1. - DEFINITIONS ^[55]

⁽⁵⁵⁾ **Editor's note**— Ord. No. 05-020, § 1, adopted November 22, 2005, has been treated by the editor as repealing former Art. 1, §§ 5-1-1—5-1-7, 5-1-9—5-1-11, 5-1-14—5-1-17, and 5-1-19—5-1-21, and adding a new Art. 1, § 5-1-1. Former article 1 pertained to similar subject matter and derived from the Code of 1961, §§ 51.011—51.013, 51.015, 51.017, 51.0110, 51.0114—51.0116, and 51.0118—51.0120; Ord. No. 2836, adopted July 6, 1975; Ord. No. 2908, adopted May 4, 1976; Ord. No. 2974, adopted April 6, 1977; Ord. No. 3022, adopted December 13, 1977; Ord. No. 3123, adopted April 3, 1979; Ord. No. 3203, adopted July 15, 1980; and Ord. No. 3363, adopted January 11, 1983.

[Sec. 5-1-1. - Definitions.](#)

[Secs. 5-1-2—5-1-28. - Reserved.](#)

Sec. 5-1-1. - Definitions.

The following terms as used in this title shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

Alarm agent means any person who is employed by an alarm business, either directly or indirectly, whose duties include any one (1) or more of the following: selling, maintaining, leasing, servicing, repairing, inspecting, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system, but shall not include persons engaged in the manufacture or sale of alarm systems from fixed locations and who neither visit the location where such alarm system will be installed nor design the plan for the physical location and installation of such alarm system at a specific location.

Alarm business means the work, occupation or profession of any person who performs, authorizes, directs, or causes the selling, leasing, maintaining, servicing, inspection, repairing, altering, replacement, moving or installing of any alarm system, including any business that monitors alarms.

Alarm subscriber means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing or maintenance of an alarm system.

Alarm system means any mechanical or electronic device installed at private property which emits a sound or transmits a signal or message when activated, designed or used for:

- (1) The detection of an unauthorized entry into, or unlawful act committed within, a building, structure, facility; or
- (2) The detection of fire, smoke, heat or which requires response of medical equipment; and
- (3) Creates an action from the Sheriff or the Orange County Fire Authority.

Provided, however, that this definition shall not include domestic smoke, fire or burglar alarm devices whose primary purpose is to awaken or alert persons on the premises and which emit a light or sound only within the protected premises.

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Animal exhibition means any property where one (1) or more animals are exposed to public view for entertainment, instruction or advertisement, including animal acts. Activities conducted primarily for the instruction or entertainment of the participants for which no public admission is charged, are excluded.

Animal rental establishment means a place or facility where animals, other than dogs, cats or equines, are kept or maintained for hire.

Board means the Board of Supervisors of the County of Orange.

Business means any business, trade, occupation, practice or profession.

Business solicitor or canvasser: See *Canvasser*.

Canvasser means any person not having an established place of business in the County of Orange who, for himself or as an agent of another, goes from house to house for the purpose of soliciting orders or subscriptions for any goods, wares, merchandise or product, of any nature or description, for future delivery whether or not advance payments are collected at the time the order or subscription is taken, except salesmen or solicitors regularly employed by any wholesale house or jobber who take or solicit orders from retailers or other merchants conducting a regularly established place of business, or any person who sells or offers for sale any goods, wares, merchandise or products in his possession where such goods, wares, merchandise or products are delivered at the time and place the sale is made, or persons selling, offering for sale or delivering to purchasers any farm or garden products where the same are raised or produced upon the property of the persons offering the same for sale, whether or not the property is owned or leased by such persons.

Coin-currency dealer means a person dealing in a business where coins or currency are bought, sold, traded, pawned, auctioned, or accepted for sale on consignment at a price above the face value of such coins or currency upon the basis, express or implied, that the value above the face value is derived from the age, rareness, condition, mineral content, or historical associations of the coins or currency.

Except for coins or currency, "coin-currency dealer" shall not include a shop where secondhand merchandise, including but not limited to jewelry or metals, is bought, sold, traded, pawned, auctioned, or accepted for sale on consignment.

Commercial means operated or carried on primarily for financial gain.

Commercial manure dealer means any person, firm or corporation who, for a fee, gathers, collects, hauls, stockpiles, and spreads or sells any manure or manure-like substance.

Commercial stable means any property where equines are sheltered or fed on a commercial basis.

County means the County of Orange.

Dance instructor means any person, male or female, who participates or otherwise engages in, while nude, any dance instruction, lesson, demonstration or exhibition conducted in a dance studio.

Dance studio means any premises or mobile facility where there is conducted the business or transaction of furnishing, providing or procuring dancing instructors for the purpose of providing dance instruction, lessons, demonstrations or exhibitions, while nude, to any person or persons who pay a fee, or any other thing of value, as consideration, compensation or gratuity for the right or opportunity to dance with or observe such nude dancing instructor.

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Direct alarm means any alarm system connecting an authorized source to the Sheriff or the Orange County Fire Authority by a leased telephone line that may be connected by any automatic dialing device or any other direct line that has no intermediate station.

Entertainment means that which engages the attention agreeably, amuses or diverts, whether in private, as by conversation, music or other manner, or in public, by performances, conversation, and music or other manner.

Escort means any person who, for pecuniary compensation:

- (i) Escorts, accompanies or consorts with another person to, from or about social affairs, entertainments, places of public assembly or places of amusement located or situated within the unincorporated areas of the County of Orange.
- (ii) Escorts, accompanies or consorts with another person in or about any place of public or private resort or within any private quarters located or situated within the unincorporated area of the County of Orange.
- (iii) Escorts, accompanies or consorts with another person in or about any business or commercial establishment, or part or portion thereof, located, or situated within the unincorporated area of the County of Orange.

Escort bureau means any business, agency or self-employed or independent escort who, for pecuniary compensation, furnishes or offers to furnish escorts within the unincorporated areas of the County of Orange.

Established place of business means the place where any person, firm or corporation conducts any retail or other establishment having a permanent address and being regularly open for business from day to day during ordinary business hours.

False alarm means the activation of an alarm signal necessitating response by the Sheriff or the Orange County Fire Authority when an emergency situation does not exist.

Figure model means any person, male or female, who poses, or otherwise conducts himself or herself, to be observed, viewed, sketched, painted, drawn, sculptured, photographed, filmed, videotaped, or otherwise similarly depicted, except when such conduct is done in one of the institutions exempted under the definition of "figure model studio."

Figure model studio means any premises or mobile facility where there is conducted the business or transaction of furnishing, providing or procuring figure models who pose for the purpose of being observed or viewed by any person, or being sketched, painted, drawn, sculptured, photographed, filmed, videotaped, or otherwise similarly depicted in the nude before persons who pay a fee, or any other thing of value, as consideration, compensation or gratuity, for the right or opportunity to so observe a figure model, or for admission to, permission to, or as a condition of, remaining on the premises. "Figure model studio" does not include any studio or classroom which is operated by any public agency, or any public or private educational institution authorized under California Education Code Section 94700 et seq., to issue and confer a diploma or degree.

Garbage means all animal and vegetable refuse or residue from kitchens, canneries, bakeries, restaurants, lunch stands, meat, fish, fruit or vegetable markets and other food handling places, and all household waste or residue that shall result from the preparation or care for or treatment of foodstuffs

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resulted to be used as food, or shall have resulted from the preparation or handling of food for human consumption or any decayed and unsound meat, fish, fruit and vegetables.

Grooming parlor means any premises where animals are groomed, brushed, clipped or bathed on a commercial basis.

Introductory service means a service offered or performed within the unincorporated areas of the County of Orange by any person for pecuniary compensation, the principal purpose of which is to aid persons to become socially acquainted or to otherwise assist persons to meet for social purposes, or which service is generally known or should be known by the offering or performing party to be used by the recipients thereof for the purpose of obtaining information about other persons to be used for social purposes.

Junk collector means any person, firm or corporation having no fixed place of business in the County of Orange, engaged in or carrying on the business of collection, buying or selling from house to house or from place to place, gathering, collecting, buying or otherwise dealing in any old rags, sacks, bottles, cans, papers, metal or other articles commonly known as junk.

Junk dealer means any person, firm or corporation having a fixed place of business in the County of Orange, engaged in or carrying on the business of buying or selling, either at wholesale or retail, any old rags, sacks, bottles, cans, papers, metal or other articles commonly known as junk.

Kenel means any property where four (4) or more dogs, or four (4) or more cats, over the age of four (4) months, are kept or maintained for any purpose, except veterinary clinics and hospitals, and except property for which an animal permit has been issued pursuant to section 4-1-76.

Mobile X-ray unit means any X-ray generator which is, or can be, used for the purpose of making medical diagnostic photofluoro-graphic films of persons, and which is installed in or upon a motor vehicle or trailer so that it may be transported from place to place.

Mobile X-ray operator means any person or other entity, who owns or legally possesses or operates a mobile X-ray unit.

Nude shall have the same meaning as that contained in section 3-12-2 of this Code.

Pecuniary compensation means any commission, fee, gratuity, hire, profit, reward, or any other form of consideration.

Peddler means and includes every person who travels from place to place or has a stand upon any public street, alley or other public place, in the doorway of any room or building, or upon any lot or parcel of land, who sells or offers for sale any goods, wares or merchandise in his possession, other than food, except salesmen or solicitors regularly employed by any wholesale house or jobber, who take or solicit orders from retailers or other merchants conducting a regularly established place of business.

Person means both the singular and the plural, and shall also mean and include person, individual, firm, corporation, copartnership, association, club, society or any other organization.

Pet shop means any person or facility engaged in the sale or trade of live animals, including fish, birds and reptiles, on a commercial basis.

Poolroom as used in this article means any place open to the public where billiards, pool or bagatelle is

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played, except a private house and except the rooms of a bona fide fraternal organization, where the general public is allowed to play therein, whether any compensation or reward is charged for the use of such tables or not.

Profit interest means any interest or share in the present or prospective profit of an escort bureau or introductory service.

Public dance means a gathering of persons in or upon any premises where dancing is participated in, either as the main purpose of such gathering or as an incidental to some other purpose, and to which premises the public is admitted, either with or without charge, and to which not more than two thousand five hundred (2,500) persons shall be admitted.

Roadside market means any vehicle, booth, stand, tent, house or other place or structure at or in which goods, wares, merchandise, food, products, vegetables or other commodities are sold, exposed for sale, bartered or given away, or where any business of any nature or kind is transacted.

Secondhand dealer means, and includes, any person, partnership or corporation whose business is that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand personal property.

Secondhand dealer also means any person who owns or operates an auction or any other event at which two (2) or more persons offer secondhand personal property for sale or exchange and where a fee is charged for the privilege either of offering or displaying such property for sale or exchange or for admission of prospective buyers to the area where such property is offered or displayed for sale or exchange, but does not include a person who owns the land on which the auction or event occurs if he has no control over such auction or event and has no personal knowledge of any facts arising from such auction or event which constitute a violation of any provisions of this article.

Security officer means an individual engaged in the act of guarding property as the owner, member or employee of a security system.

Security system means any private service or private system which purports to furnish or does furnish to members or subscribers, any watchman or guard, either uniformed or otherwise, or any guard dog to patrol any part of the unincorporated territory of the County of Orange or to guard or watch any property, including guarding against theft, fire, or both, or to perform any service usually and customarily performed by the Sheriff in his capacity as a peace officer. Security system does not include the guarding of property of a single owner by one or more individuals who are employed by such owner.

Sheriff or Sheriff-Coroner means the Sheriff-Coroner of the County of Orange or his or her designated representative.

Show means a carnival, tent show or show in the open air, or in a hall or building not specifically constructed for theatrical purposes, wherein carnivals, circuses, dog or pony shows, dramatic, musical or theatrical performances are given to audiences not exceeding two thousand five hundred (2,500) persons.

Specified anatomical sexual areas includes any of the following:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals or pubic region;

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(b) Buttock; and

(c) Female breast below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

Specified sexual activity includes the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct; anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(Ord. No. 05-020, § 1, 11-22-05)

Secs. 5-1-2—5-1-28. - Reserved.