

## Chapter 5.04

### BUSINESS LICENCES GENERALLY

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#### **5.04.010 Definitions.**

A. Employee. Whenever the word "employee" appears in this chapter, it shall be construed to mean all persons engaged in the

operation or conduct of any business, whether a member of the owner's family, partner, agent, manager, or solicitor.

B. Person. Whenever the word "person" appears in this chapter, it shall be construed to mean and also include a firm, partnership, corporation, or other association. The singular shall also include the plural where applicable.

C. Solicitor. Whenever the word "solicitor" appears in this chapter, it shall be construed to mean any person who goes from house to house or from place to place in the city, selling, or taking orders for goods, wares or merchandise, or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing, for future delivery; provided, however, that this section shall apply only to solicitors who demand, accept or receive payment or deposit of money in advance of final delivery. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.020 License Required.**

It is unlawful for any person or persons, firm, partnership, corporation or any other association, or for any person whether as an agent, servant, clerk or employee, for himself or for any other person, firm, partnership, corporation, or other association within the corporate limits of the city, to commence or carry on any trade, calling, occupation, profession or pursuit, or act as a solicitor, until first paying the required license fee and obtaining a license therefore, as required in this chapter.

Issuance of a license, however, shall not constitute endorsement of the applicant, his employees or product by the city or its employees. Any such claim of endorsement by the applicant or any agent of his

business or product may be cause for immediate revocation of the license. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.030 Date Issuance — Payment of Fee.**

Licenses shall date from the first day of January and shall be issued on an annual basis only. In all cases when licenses are issued, the full amount thereof shall be paid as of the date of issuance. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.040 Posting or Display.**

All licenses issued under the provisions of this chapter shall be posted in the place of business of the licensee, and every person not having a place of business and required to have a license by this chapter shall carry the license while engaged in the pursuit for which he is licensed. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.050 Liability for Debt.**

Licenses required pursuant to the provisions of this chapter shall be deemed to be debts to the city and the persons liable therefor are made subject to civil suits or actions in any court of competent jurisdiction, for the amount of such license together with costs of suit. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.060 Exemptions.**

The following are exempt from the license requirements outlined in this chapter, but may obtain a business license for a minimal processing fee:

A. The provisions of this chapter shall not apply to churches, religious societies, fraternal societies, patriotic societies, or charitable societies located within the city; provided, no

other person, firm, copartnership or corporation derives any profit, compensation or direct benefit from any business enterprise by any of the foregoing undertaken or joined in. Those churches, religious societies, fraternal societies, patriotic societies or other charitable societies located outside the city shall file an application with the city for obtaining a free license for soliciting within the city limits.

B. The provisions of this chapter shall not be deemed to include farmers, poultrymen, or horticulturists, who may sell exclusively their own produce grown by themselves, either at their homes or farms or by house-to-house sale.

C. The provisions of this chapter shall not be deemed to include or apply to doctors, lawyers, architects, dentists and other similar professional persons not having a fixed place of business within the city who are called upon to come to the city to render occasional isolated services unless on a regularly scheduled basis. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

D. The provisions of this chapter shall not apply to trucking, transport or hauling companies, or deliverymen who are called upon to come into the city to render occasional services for another entity. "Occasional" services means services conducted within the corporate limits of the city three times per week or less.

E. The provisions of this chapter shall not apply to insurance companies so long as the insurance company does not conduct any business within the corporate limits of the city other than the sale of insurance.

F. The provisions of this chapter shall not apply to banks or financial institutions. (Ord. 701 § 1, 2004)

#### **5.04.070 More Than One Business Per Location**

Except as otherwise provided in this chapter, any person carrying on more than one business at one location which is required by this chapter to be licensed, shall pay the full license fee for each business carried on at the same location, and shall obtain a separate business license therefore, and shall pay a separate license fee for each separate business which is carried on at the same location. Proof, however, may be submitted to the City Clerk of the City of Ripon that a particular business which is carried on at the same location is not in fact a separate and distinct business operation, and that the business activities of said business are connected with, a plait of, and necessary to the operation and performance of any other licensed business activity for which a business license is required which is also carried on at the same business location. (Ord. 507 § 2, 1992; Ord. 701 § 1, 2004)

#### **5.04.080 Form — Contents.**

All licenses issued under and by virtue of this chapter shall be printed on the appropriate forms. The city clerk, or his agent shall set forth in the license the name of the party to whom the license is issued, the nature of the trade or business they are licensed to pursue, the time for which the same is granted, the date thereof, the amount paid therefore, and the location where the trade, business, calling or avocation is carried on, or proposed to be carried on. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004).

#### **5.04.090 Form — Sufficient Number to be Printed**

The city clerk shall cause to be printed a sufficient number of such license forms as

may from time to time be required. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.100 Inspectors**

All police officers are appointed inspectors of businesses required to obtain a license. In addition to their several duties as police officers, they may, to the extent permitted by law, conduct an investigation of businesses required to obtain a license and of persons who own or are employed at the business. The police officers may exercise, in connection with their duties as license inspectors, the power to make arrests for violation of any of the provisions of this chapter, and shall have the power to enter without charge, at any time, any place of business for which a license is required by this chapter and to demand the exhibition of such license for the current term. If any such person shall there and then fail to exhibit a valid license, such person shall be liable to the penalty provided for a violation of this chapter and the police officers may forthwith issue a lawful order for the person to cease operation of the business. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.110 Fees Generally**

The rate of licenses for businesses, trades, callings, professions and occupations carried on in the city are fixed as follows:

A. All retail, service, and professional businesses as described below shall pay an annual licensing fee as described in section 5.04.200 of this chapter and an annual fee per employee as described in section 5.04.200 of this chapter.

1. Retail businesses shall include but not necessarily be limited to such

a. Amusement or recreation parlors, card rooms or arcades;

b. Appliance stores, drug stores, feed and fuel stores, food and drink establishments, gasoline service stations, building material yards, and other types of general merchandising stores, and any other type of retail establishments unless specifically licensed in a different manner and included in another paragraph of this section;

c. Auto sales, including parts, service and accessories conducted on one parcel of property, used in motor vehicle lots, and tractor and farm implement sales, services and repairs;

d. Billiard parlors, pool rooms, bowling alleys, ice skating rinks and roller skating rinks;

e. Any type of a club, prize or membership solicitation business which is substantially a sales technique or device and which is not carried on from an established business location in the city and which may utilize advertising by means of handbills, dodgers, stickers and advertising samples;

f. Pawnbrokers;

g. Any public utility not operating under a franchise granted by city;

h. Movie theaters and drive-in theaters;

i. Vendors of any type of merchandise not within the provisions of prohibition of this chapter, or any other regulation of the city, who sell or deliver articles to private residences or public places of business, which are not owned by the vendor, including freight lines and other similar for-hire delivery services that make deliveries of merchandise of any kind within the city limits more than three times per week;

j. Yard, garage and rummage sales except as specifically provided in Section 5.04.130 pertaining to certain yard, garage and rummage sales;

k. Solicitors.

2. Service and professional businesses shall include but not necessarily be limited to such businesses as follows:

a. Arts and crafts, animal hospitals or kennels, laundries, dry cleaners, landscape gardening, mobile services, photography studios, printers and engravers, public stenographers, repair shops, garages solely for the repair of motor vehicles or other types of vehicles, radio, shoe, watch and other types of repair shops, riding academies, health clubs, persons conducting coaching by private lessons of any type, sign painters, upholsterers, and welding shops;

b. Beauty shops, beauty parlors or barber shopS;

c. Public dances wherein an admission fee is charged or any other type of profit is sought, except those under the auspices and for the benefit solely of a locally sponsored social, civic, veteran, religious or fraternal organization. The fee chargeable to these types of business operations shall be payable no later than 5.00 p.m. of the preceding day for which the event is scheduled and shall be payable for each twenty-four hour period during which the particular event is carried on;

d. House movers;

e. Mortuaries;

f. Occult and related sciences and practices, fortunetelling, palmistry and similar types of businesses conducted for a fee, remuneration, gift or profit;

g. Professional business offices, including real estate offices, but specifically excluding those insurance offices where no other type of business or transaction is conducted other than the sale of insurance;

h. Any individual performing any other type of service by the hour, piece or job other

than a contractor, and not having a regular place of business in the city limits;

i. Taxicabs, limousines, or other such commercial carriers of persons;

j. All home occupations as defined and provided for and regulated in Chapter 16.88 of this code.

B. All contractors, subcontractors, other than those permitted in accordance with the home occupation provisions set forth in Chapter 16.88 of this code, including such other types of businesses as described below, shall pay an annual licensing fee as described in section 5.04.200 of this chapter and an annual fee per employee as described in section:5.04.200 of this chapter

1. All firms engaged in the erection, operation of and maintaining of any outdoor advertising or display signs, whether self contained or on any building or structure regardless of size;

2. The operation of a retail or wholesale business in conjunction with the conducting of any type of contracting business in the city limits;

3. Advertising by means of display advertisement towed by a vehicle without the use of sound equipment;

4. Carnivals, circuses, tent shows, and street fairs. This section, however, shall not apply to school street fairs, church street fairs, farmer conducted rural street fairs, or municipal street fairs, where the fair is conducted as a public advertising enterprise of the community, or for the benefit of farming, horticulture, social or other betterment of the community.

C. Rental income property owners or managers renting four to ten residential units shall pay an annual licensing fee as described in section 5.04.200 of this chapter and an annual fee per employee as described in section 5.04.200 of this chapter.5.04.110

D. General income property owners or managers shall pay an annual licensing fee as described in section 5.04.200 of this chapter and an annual fee per employee as described in section 5.04.200 of this chapter. General income properties shall include the following:

1. Apartment houses consisting of ten or more units, hotels, motels, boardinghouses, and any other type of housing facilities;

2. Mobile home parks;

3. Commercial property owners or managers of rental units for commercial use.

E. All other types of businesses, including all manufacturing businesses, including those described herein, shall pay an annual licensing fee as described in section 5.04.200 of this chapter and an annual fee per employee as described in section 5.04.200 of this chapter. These shall also include junk and wrecking yards, manufacturing, packing and shipping and wholesale merchants. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.120 Taxicab Operations, Including Insurance Requirements**

The city clerk shall not issue a license for a taxicab operation in the city unless and until the applicant therefore produces satisfactory proof to the city clerk that any vehicle to be operated as a taxicab in the city shall have both public liability and property damage insurance in an amount and with an insurance company as may be approved by the city. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.130 Yard, Garage and Rummage Sales**

No more than three free licenses shall be issued per year to any one person or residence or any organization who conducts a yard, garage, or any other type of rummage sale in the city. Any police officer of the city shall

have the right to inspect any merchandise offered at such a sales, and the identification number, model or serial number or any other type of identification for the merchandise must be submitted to the police department upon demand by any person conducting a yard, garage, or any other type of rummage sale. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.140 Businesses not Enumerated in this Chapter**

For every person engaged in a gainful business, trade, calling, profession, occupation or pursuit not specifically enumerated or categorized in this chapter, and for which the city has a legal right to require a business license, a licensing fee shall be required which shall be set and determined in accordance with section 5.04200 of this chapter. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.150 Proper County, State or Federal Licensing Required**

No license shall be issued pursuant to this chapter by the city clerk to any person or solicitor required by state, county, or federal law or regulation to be licensed under such laws or regulations unless such person or, solicitor shall have first procured such a license as required by such other governmental law or regulation. The city may rely on the representations of a business concerning procurement of any and all licenses required by state, county or federal laws or regulations. The city is not obliged to independently investigate or otherwise ensure compliance by the business. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.160 Criminal Conduct — Ineligibility for Licenses and Permits**

A. Except as otherwise provided in this section, conviction (including pleas of guilty and nolo contendere) to a felony or misdemeanor charge shall be prima facie disqualification of an applicant for the following city licenses or permits: massage parlor, taxi driver, cardroom, fortunetelling, private police, detective agency, watchmen, canvasser, solicitor, peddler, pawnshop broker, secondhand dealer, automobile or machinery wrecking yard, palmistry, bathhouse and astrology.

B. The city licensing authority, however, may disregard such conviction if it is found and determined by such licensing authority that mitigating circumstances exist. In making such-a determination, the city licensing authority shall consider the following factors:

1. The type of business license or 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 rehabilitation;
7. Contributing social or environmental conditions.

C. The city licensing authority shall give notice of any disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.

D. An applicant who is disqualified from obtaining a city business license or permit

under this section may appeal such determination of disqualification. Any appeal shall be in writing and shall be filed with the city clerk within ten days of the date of written notice of disqualification. The city council shall thereafter hear and determine the appeal within ninety days after it is filed. The determination of the city council on any appeal shall be final.

E. Pursuant to Section 11106 of the California Penal Code, the following officers of the city are authorized to have access through the police department criminal records security officer to, and to utilize, the state summary criminal history information when it is needed to assist them in fulfilling any licensing duties set forth in this section. These officers are identified in section 11105 of the California Penal Code, and include, among others, the Chief of police and peace officers, the city attorney, any city officer or official of the city. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.170 Delinquency — Penalty**

The city clerk shall at the hour of five p.m. on the last day of the month in which any license called for under this chapter may be due, add to such license then remaining unpaid a penalty of ten percent (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.180 Enforcement Authority**

It is the duty of the chief of police of the city to enforce all of the provisions of this chapter and no written personal demands or notices by the chief of police to persons required to be licensed under the provisions of this chapter shall be necessary to incur the penalties of this chapter. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.190 Violation — Penalty**

Each and every day or any fractional part of a day that any such pursuit, trade, occupation, calling or profession is carried on without a valid business license shall constitute a violation of this chapter, and any person, firm, copartnership, corporation or other association who violates any of the provisions of this chapter shall for each such violation be deemed guilty of a misdemeanor and upon conviction by any court having jurisdiction thereof shall be punished as provided in Chapter 1.08 of this code. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)

#### **5.04.200 Licensing Fee**

A. Whenever the words "licensing fee" appear in this chapter, they shall be construed as a dollar amount to be paid on an annual basis by a business. The dollar amount of the licensing fee shall be set by resolution of the City Council and may be increased or decreased as the case may be in accordance with the Bay Area Consumer Price Index published and then in effect after July 1st of each year hereafter.

B. Whenever the words "fee per employee" appear in this chapter, they shall be construed as a dollar amount to be paid on an annual basis by a business per person employed by the business who is working within the corporate limits of the city. The dollar amount of the fee per employee shall be set by resolution of the City Council and may be increased or decreased as the case may be in accordance with the Bay Area Consumer Price Index published and then in effect after July 1st of each year hereafter.

C. The dollar amount for both the "licensing fee" and the "fee per employee" may also be amended from time to time by a resolution of the City Council. (Ord. 477 § 2 (part), 1991; Ord. 701 § 1, 2004)