

CHAPTER 14
BUSINESS LICENSES

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Sec. 14-10. Business license required

Unless exempt from license requirements, it is unlawful for any person or persons, to engage in, conduct, maintain or carry on outside the limits of incorporated cities in the county, any business or occupation for the sale of any goods, wares, merchandise, foods, drinks, commodities or any services of any nature whatsoever, without first having, upon written application, procured a license to do so from the business licensing officer of this county in accordance with the provisions of this chapter or any other ordinance of the county. (Ord. No. 1146, §3; Ord. No. 1646, §3)

Sec. 14-11. Definitions

As used in this chapter:

(a) **Agricultural business** means a business undertaken by an agricultural producer in the production of products of cultivation of the soil and its fruits and raising and

harvesting crops or products or the rearing, feeding, and management of livestock, or for any business extending service to an agricultural producer which service is normally accomplished by the producer in the production of agricultural products.

(b) **Building codes** means the Uniform Building, Fire and Plumbing Codes and the National Electrical Code as adopted by Solano County, and chapter 6.3 of this Code, and all amendments to it.

(c) **Business** means any trade, manufacturer, profession, occupation or service of all and every kind, whether or not carried on for profit or for charitable, philanthropic, or other purposes, including the arrangement of business transactions, holding of sales or training meetings and administrative conferences, the receipt of customer or client payments and the keeping of records and accounts pertaining to a business.

Business does not mean:

(1) Apartments, rooming houses, duplexes or other residential facilities in which living units are rented or leased for a term of 30 days or longer;

(2) Churches to the extent that the use is for worship, religious education, or social affairs primarily for members of the religious group (this exception does not extend to other activities not undertaken primarily for members of the religious group such as day schools and social services programs);

(3) Offices, stores or other facilities maintained without paid employees by a non-profit public benefit corporation.

(d) **Business Licensing Officer** means the Solano County Department of Resources Management.

(e) **Coin-operated amusement device** means any machine, apparatus or device operated by deposit of a coin, slug or other medium of payment, and shall include any automatic, mechanical or wire music machine, mechanical or electronic toys or games, miniature billiard or pool tables or other amusement devices.

(f) **Department of Agriculture** means the combined office of the Solano County Agricultural Commissioner - Sealer of Weights and Measures as defined in section 2-70 of the Solano County Code, or authorized representative for regulation of agriculture as described in Food & Agriculture Code §§ 227, et seq.

(g) **Fire protection district** means the existing fire districts in Solano County

(h) **Peddler's business** means a business that does not have a permanent local business address in the county, and either (i) offers merchandise for sale along the

street or from door to door, or (ii) deals in or promotes something intangible, such as a personal asset or an idea.

(i) **Place of business** means a place regularly operating at a fixed location for conducting business, or any other place from which any business operations are conducted on a regular basis, including overnight storage of vehicles and/or other equipment used for conducting the business. For purposes of this Chapter, “place of business” also includes a residence from which a business is conducted pursuant to a use permit.

(j) **Person** means and includes a firm, association, business, trust, corporation, partnership or cooperative carrying on the business for which a license must first be procured. Acts done by a clerk, agent, servant, representative or employee of a person are included in the license as it is the intent herein to license the business, and not separate acts which constitute integral or related parts of the business.

(k) **Department of Resources Management** means the Solano County director of resources management or the director’s authorized representative for building inspections, health and sanitation inspections, and zoning administration.

(l) **Service Provider** means a provider of non-agricultural services which are performed or offered within the unincorporated area of the county where the service provider does not have a fixed place of business within the unincorporated area of the county, and include, but may not be limited to:

(1) Any act of assistance or benefit, any worker labor, or any installation, maintenance or repair of real or personal property, whether or not performed in conjunction with the sale of goods, materials or property; or

(2) Any act of personal service, including personal care (i.e., nails, facials), photography, music or other forms of entertainment, but specifically excluding massage.

(m) **Sheriff** means the Solano County sheriff or the sheriff’s authorized representative.

(n) **Vending machine** means any machine, apparatus or device used or intended to be used for selling goods, gum, cigarettes or beverages.

(o) **Viticultural products** means products related to the cultivation of grapes, especially for wine making

(p) **Zoning ordinance** means the zoning ordinance of Solano County and chapter 28 of this code and all amendments thereto.

(Ord. No. 1168, § 2; Ord. No. 1323, § 1; Ord. No. 1646, §3)

Sec. 14-12. Application form

Application for a business license, including a seasonal business license, shall be submitted to the business licensing officer on a form adopted by the business licensing officer, and shall be accompanied by a nonrefundable application fee as set forth in section 14-19. The application form shall be either printed or typewritten. (Ord. No. 1168, § 2; Ord. No. 1206, § 1; Ord. No. 1646, §3)

Sec. 14-13. Branch business

A separate application must be prepared and a separate license must be obtained for each branch establishment, place of business or separate house located in the unincorporated area of the county. Where more than one business is conducted in the same building, a separate application must be prepared and a separate license must be obtained for each business under separate ownership. (Ord. No. 1168, § 2.)

Sec. 14-14. Peddler's business license

A person proposing to conduct a peddler's business shall file an application with the business licensing officer to include a description and license number of all vehicles to be used, as well as name, physical description, permanent and local address, and adequate identification of all persons acting as agents for such peddler's business, which will be accompanied by an application fee as set forth in section 14-19. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-15. Peddler's business license for veterans

Pursuant to provisions of California Business and Professions Code section 16102, any member of the United States armed forces who has received an honorable discharge or a release from active duty under honorable conditions from such service shall receive, upon application and meeting all other eligibility requirements provided by this Code, a peddler's license to peddle and sell any goods, wares or merchandise owned by the veteran, except spirits, malt, wine—or other intoxicating liquor. This peddler's license shall be issued at no cost to the veteran. The board of supervisors delegates to the business licensing officer the responsibility for determining the eligibility for and the issuance of a free peddler's license to eligible veterans. (Ord. No. 1229, § 1; Ord. No. 1646, §3)

Sec. 14-16. Vending machine and coin-operated amusement devices

Every person who owns, leases, or rents any vending machine or coin-operated amusement device, or both, to be installed and operated in the county, shall submit an application for a business license accompanied by a fee as set forth in section 14-19. Additionally, the business license application shall have attached thereto a list of all such devices and machines by type, manufacturer and serial number. A separate fee

for the licensing of the machines and devices shall be submitted, as set forth in section 14-29. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-17. Exemptions

(a) Any person otherwise required by this chapter to obtain a business license and who has filed an application for a business license with the business licensing officer accompanied by the appropriate fee shall be exempt from the licensing requirements of this chapter until an order of the business licensing officer granting or denying the license has become final.

(b) A service provider who does not have a fixed place of business in the unincorporated area of the county, and who has a valid business license issued by any city or county within the State of California is exempt from this Code.

(c) All agricultural or viticultural businesses that produce agricultural commodities including feedstock, nursery stock, produce, livestock, dairy or poultry (or their products) shall be exempt from the requirements of obtaining a business license under this chapter unless any of the products sold are not grown or produced by the business on the premises within Solano County which is controlled by the producer. Agricultural businesses engaged exclusively in wholesale are exempt from a business license requirement. Retail sales and/or sale to the public requires a business license unless otherwise exempted by state law. (Ord. No. 1646, §3)

Sec. 14-18. Processing application

(a) Upon receipt of a business license application, the business licensing officer shall verify that the application form contains all the necessary information and is accompanied by the proper application fee, where applicable. The business licensing officer shall return to the applicant any incomplete form or any form unaccompanied by the proper application fee and shall note thereon the reason for return.

(b) The business licensing officer shall refer properly completed applications to the sheriff, assessor, agriculture department and fire protection district for information and/or review. Each department reviewing a business license application shall provide the business licensing officer with a recommendation of approval or rejection of the business license application within thirty (30) days of that department's receipt of the application. For good cause, a department reviewing a business license application may request an extension of time of up to thirty days to complete a business license review.

(c) No business license may be issued unless an approval or waiver has been received from each reviewing agency, as set forth in subdivision (b).

(d) The business licensing officer shall issue a grant or denial of a business license application within ninety (90) days of receipt of an application. (Ord. No. 1168, § 2; Ord. No. 1272, § 3; Ord. No. 1646, §3)

Sec. 14-19. Application fee

(a) The business licensing officer shall collect a non-refundable fee to cover the actual cost of processing the business license application by the business licensing officer and other reviewing departments. The business licensing officer shall not collect fees for other business related approvals, such as processing fingerprints, operating permits, land use permits, or fire inspections. Any such costs shall be paid by the business license applicant directly to the appropriate agency.

(b) County processing fees shall be determined by the board of supervisors by resolution.

(c) The business licensing officer may, in his/her sole discretion, waive the application fees for nonprofit corporations or associations. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-20. Review - Sheriff

All applications and renewal notices shall be reviewed by the Sheriff to determine whether the applicant is subject to disqualification based on the criteria set forth in Business and Professions Code section 480(a), and any amendments to it. (Ord. No. 1168, § 2; Ord. No. 1272, § 4; Ord. No. 1599; Ord. No. 1646, §3)

Sec. 14-21. Review – Department of Resources Management

All applications and renewal notices shall reviewed by the department of resources management to ensure that the proposed business is in conformity with the existing zoning and subdivision regulations and is in compliance with applicable building codes and federal, state and local health laws, regulations and inspections. Business License applications for massage establishments will also be reviewed for compliance with the requirements of Chapter 14.3 section 14.3-26 of this Code. (Ord. No. 1168, § 2; Ord. No. 1194, § 4; Ord. No. 1272, § 5; Ord. No. 1646, §3)

Sec. 14-22. Review – Fire protection district

Applications and renewal notices as agreed to between the department of resources management and the appropriate fire protection district shall be reviewed to ensure that the business site is in compliance with applicable provisions of the Uniform Fire Code. (Ord. No. 1168, § 2; Ord. No. 1323, § 2; Ord. No. 1646, §3)

Sec. 14-23. Review – Agriculture Department

All applications and renewal notices shall be forwarded to the agriculture department for review and comment. (Ord. No. 1646, §3)

Sec. 14-24. Issuance of business license

Upon review and approval by the department of resources management, sheriff, fire protection district and agricultural commissioner, as applicable, a license will be issued

by the business licensing officer and shall be good for one year from the date issued. (Ord. No. 1168, § 2; Ord, No. 1272, § 8; Ord. No. 1599; Ord. No. 1646, §3)

Sec. 14-25. Transfer of license

No license issued pursuant to this chapter shall be transferred to another person or location. (Ord. No. 1168, § 2.; Ord. No. 1646, §3)

Sec. 14-26. Unlawful business – compliance with other permit/license requirements

No license issued pursuant to this chapter shall be construed as authorizing the conduct or continuance of any illegal business. The issuance of a business license shall not constitute evidence of a business' compliance with any law, rule or regulation, nor does the issuance of a business license excuse any requirement to obtain other permits or licenses required by this Code or by the laws of the state. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-27. Renewal of business license

(a) All business licenses issued must be renewed annually, prior to the expiration date of the license. No new application shall be required for the renewal of a valid license, provided that the following conditions apply:

(1) The business address or ownership of the business has not changed since the business license was issued or last renewed.

(2) The operator of the business has not changed since the business license was issued or last renewed'

(3) The location of the business has not changed since the business license was issued or last renewed.

(4) The number of the employees for the business has not increased since the business license was issued or last renewed.

(5) The amount of public traffic to the business has not increased since the business license was issued or last renewed.

(6) The volume of the business has not increased since the business license was issued or last renewed.

(7) The amount of chemicals or other hazardous materials stored at the place of business registered on the business license has not changed since the business license was issued or last renewed, or the business has not started storing chemicals or hazardous materials at the licensed business location since the license was issued or last renewed.

(8) The business owner has not been convicted of a crime other than an infraction or traffic violation since the business license was issued or last renewed.

(b) The renewal of the license shall be accompanied by submission of a completed Solano County Business License Renewal Notice, Business Owner Questionnaire and Declaration, on a form adopted by the business licensing officer, accompanied by a renewal fee as set forth in section 14-28. If a business license is not renewed before it lapses, the business license applicant shall be assessed a delinquent fee of double the amount of the renewal fee.

(c) If a business license is not renewed within sixty days after the expiration date, the licensee shall be required to file a new application and submit application fees, as required by this chapter. Such applications shall be processed as a new business license, and subject to all applicable reviews required by this chapter. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-28. Renewal fee

There shall be required an annual renewal fee for a business license, in such amount as is determined by the board of supervisors, by resolution. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-29. Vending machines and coin-operated amusement devices fee

In addition to the application and annual renewal fees, the owner, lessor or renter of any vending machine or coin-operated amusement device shall pay an annual fee, in such amount as is determined by the board of supervisors, by resolution, for each machine or device. There shall be issued a separate license, in the form of a decal, for each such machine or device, to be prominently affixed to it at all times. (Ord. No. 1168, § 2; Ord. No. 1646, §3)

Sec. 14-30. Revocation of license

(a) A license issued in accordance with the provisions of this chapter shall be revocable at any time by the business licensing officer upon proof, to the satisfaction of the business licensing officer, that such business is not being operated in accordance with health, building, zoning, or fire regulations, in a quiet and orderly manner, in conformance with considerations of public health, safety and welfare, or that the nature of the business is not substantially as was represented in the license application.

Prior to the revocation of any license, the business licensing officer shall provide notice to the licensee that such licensee is in violation of provisions of this chapter, and that the business licensing officer will hold a hearing on the complaint and proposed revocation. Notice shall be in writing and served, either personally or mailed, through the United States post office facilities, to the business or home address of the applicant or applicants as set forth in the application. The notice shall indicate the nature of the complaint, the date, time and place of the hearing and the fact that at the time of

hearing the licensee may offer evidence in the applicant's behalf. The hearing shall be held within a reasonable time, but not less than ten days after personal service or fifteen days after mailing of the notice to the applicant or applicants.

(b) Licenses may be revoked without notice and prior to any hearing if, in the judgment of the business licensing officer, the continuance of the business activity impairs the public health, safety or welfare. In such a circumstance, the business licensing officer will provide notice of revocation as set forth in subdivision (a) on the day of revocation and provide an opportunity for a hearing at the request of the applicant. A hearing requested by the applicant as set forth in this section shall be conducted within ten business days after receipt of such request for hearing. (Ord. No. 1168, § 2.; Ord. No. 1646, §3)

Sec. 14-31. Finality of decision

Any decision of the business licensing officer to grant or deny an application, grant or deny a renewal, or to revoke a business license, shall be in writing and shall be delivered by mail to the applicant. Any such decision shall become final on the fifteenth (15th) day following such mailing, unless the person aggrieved by the decision files an appeal as prescribed by section 14-32 of this chapter. (Ord. No. 1646, §3)

Sec. 14-32. Appeal

(a) Any person aggrieved by any decision of the business licensing officer with respect to the issuance or refusal to issue, the renewal or denial of a renewal, or revocation of a license, may appeal to the board of supervisors by filing a written notice of the appeal setting forth the specific grounds for the appeal with the business licensing officer. Any appeal must be filed within fifteen days of the mailing of notice of such decision. The decision of the business licensing officer shall not be stayed pending hearing of the appeal, except when the business licensing officer has determined that:

(1) The issue on appeal relates to the interpretation of this chapter, necessitating the review by the board of supervisors; and

(2) That the revocation is not related to a revocation based upon considerations of public health, safety or welfare.

(b) The board of supervisors shall fix a time and place for such appeal and the business licensing officer shall give notice in writing to the aggrieved party of the time and place of the hearing by serving it personally or depositing it in the United States mail addressed to the person at the address appearing on the licensee's or applicant's last application or license. The hearing shall be set to be heard by the county board of supervisors within sixty days of receipt of the appeal, unless the applicant and the county stipulate to extend the time for hearing.

(c) At the hearing regarding an initial application, the applicant shall bear the burden of proof. At the hearing upon a renewal or revocation, the business licensing officer shall bear the burden of proof.

(d) The finding of the board of supervisors shall be final and conclusive, and shall be served upon the person in the manner set forth above, for service of notice. (Ord. No. 1168, § 2; Ord. No. 1417, § 1; Ord. No. 1646, §3)

Sec. 14-33. Penalties/Enforcement

(a) A violation of this ordinance constitutes an unfair or unlawful business practice as defined by California Business and Professions Code sections 17200 et seq.

(b) Any person who operates a business within the unincorporated areas of the county in violation of this chapter shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for a period not to exceed six months, or by a fine not exceeding one thousand dollars, or by both.

(c) Violations of this ordinance may be prosecuted criminally or civilly at the sole discretion of the District Attorney. Ord. No. 1646, §3)

