

ORDINANCE #2012-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON,
CALIFORNIA, AMENDING CHAPTER 5.04 OF TITLE 12 OF THE CITY OF AMERICAN
CANYON MUNICIPAL CODE, REGULATING BUSINESS LICENSES**

WHEREAS, it is unlawful for any person to commence, transact, engage in, or carry-on any business in the city without first having obtained a valid license and paid the license fee; and

WHEREAS, business license fees are an important source of unrestricted revenue for the general fund that can be spent on its core city services, such as public safety, park maintenance, recreation programs, and senior activities; and

WHEREAS, when businesses do not pay for an annual business license, the City of American Canyon loses funds that can help fund these important services. In addition, it is important to be fair to the businesses that have been regularly paying their fees to help support city services; and

WHEREAS, if a business is found to be operating without a license, the license fee is increased by 10 percent on the first day of each succeeding month after the due date. This penalty is capped at 50 percent of the published license fee but may exceed \$1,000; and

WHEREAS, in conjunction with stepped up enforcement of the business license compliance effort, staff proposes a business license amnesty program which would provide a 120 day period of time when the City would waive the penalties for a business not having a current business license and for not having a business license during any prior year; and

WHEREAS, by providing amnesty, the City Council would encourage unlicensed business to come forward and pay for a current year business license without worrying about being discovered without a business license and facing penalties or costs associated with current and past years' non-compliance; and

WHEREAS, some businesses may not obtain a business license due to an honest error and the Business License ordinance would be better served if there was flexibility to give the City Manager authority to waive interest and penalties for businesses that have a reasonable explanation for not having a business license on a case by case basis; and

WHEREAS, on December 6, 2011, the City Council of the City of American Canyon conducted a duly-noticed public hearing, at which time all those in attendance were given the opportunity to speak on the proposal.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. Chapter 5.04 to Title 12 of the City of American Canyon Municipal Code is hereby amended with the following business license regulations:

Chapter 5.04 BUSINESS LICENSES GENERALLY

5.04.010 Enforcement.

A. The city manager shall have the responsibility and power to enforce the provisions of this chapter, and the police chief shall render such assistance in the enforcement thereof as may from time to time be required.

B. The city manager or designee, who may act through deputies or duly authorized assistants, may examine or cause to be examined, all places of business in the city to ascertain compliance with the provisions of this chapter.

C. The city manager or his designee, who may act through deputies or duly authorized assistants, shall have the power and authority to enter, free of charge, at any reasonable time, any place of business required by the provisions of this chapter to be licensed and require an exhibition of the license certificate. Any person having such license certificate issued in his/her possession or under his control who willfully fails to exhibit such certificate on demand shall be guilty of an infraction and subject to the penalties provided for by Section 1.24.040. (Ord. 92-20 (part), 1992: prior code § 3.28.010)

5.04.020 Business license required.

A. Subject to the provisions of this chapter, all businesses engaged in or carried on in the city shall pay annual business license fees in the amounts as provided in this chapter. It is unlawful for any person to commence, transact, engage in, or carry-on any business in the city without first having obtained a valid license and paid the applicable license fee, or without complying with any and all applicable provisions of this chapter.

B. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or corporation within the city where the imposition of such a condition precedent would be contrary to law.

C. When any person shall by use of signs, circulars, cards, telephone book, internet or newspapers, advertise, hold out, or represent that he/she is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that he/she is in business in the city, and such person fails to provide, after request by the collector, a sworn statement that he/she is not conducting a business in the city, then these facts shall be considered prima facie evidence that he/she is conducting a business in the city. (Ord. 94-01 § 8, 1994: Ord. 9220 (part), 1992: prior code § 3.28.020)

5.04.030 License subject to other regulations and fees.

A. Persons required to pay a license fee for transacting and carrying on any business under this chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the city and shall remain subject to the regulatory provisions of other ordinances.

B. No person shall be entitled to a business license and the collector shall not issue a business license to any person commencing business unless and until said person shall have complied with all applicable city ordinances. No license shall be issued covering any food or drink dispensing establishment, restaurant, pet hospital, pet shop, veterinarian, or kennel services until the applicant has obtained clearance from the county department of health. (Ord. 92-20 (part), 1992: prior code § 3.28.030)

5.04.040 False statements.

It is unlawful for any person knowingly to make any false statement in any application for a license pursuant to the provisions of this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.040)

5.04.050 True names on reports.

Every person making out any report or record required by the terms of this chapter or any copy shall sign his/her true name and give the true name and correct address of the licensee. (Ord. 9220 (part), 1992: prior code § 3.28.050)

5.04.060 Illegal occupations.

A license granted pursuant to this chapter does not permit any occupation or activity of any kind which is prohibited by this code or any other ordinance, or by any state statute, law, rule, order or regulation. (Ord. 92-20 (part), 1992: prior code § 3.28.060)

5.04.070 Refusing license.

Before the city manager denies any license, either new or **for** renewal, unless a hearing already has been held, the applicant shall be notified in writing that the city manager intends to deny the license, and that the applicant may request a hearing before the city manager within five days after receipt of such notice. (Ord. 92-20 (part), 1992: prior code § 3.28.070)

5.04.080 Grounds for denial.

A. The city manager may refuse to issue a license to carry on any business, occupation or activity, if such business, occupation or activity has been, will be, or is apt to become any one or more of the following:

1. Prohibited by any local ordinance or by any state law, statute, rule or regulation and/or prohibited by federal law, statute, rule or regulation;
2. A public nuisance;
3. In any way detrimental to the public interest;
4. Prohibited by zoning laws and ordinances.

B. A license may also be denied on the grounds that the applicant has knowingly made a false statement in a material matter either in the application or in the testimony before the city manager or other body hearing such testimony. (Ord. 2009-08 § 2, 2009; Ord. 92-20 (part), 1992: prior code § 3.28.080)

5.04.090 Real party in interest.

The council, city manager, police department official, or other appropriate officer of body may examine under oath any applicant to determine who is the real party in interest in the business, occupation or exhibition for which a license is sought. If the council or other body or official finds that the application is in the interest of one whose license has been revoked or who has been refused a license, it may treat the application as though made by the real party in interest, and the application shall have the same effect against any future applications as if it had been made in the name of the real party in interest. (Ord. 92-20 (part), 1992: prior code § 3.28.090)

5.04.100 Grounds for revocation.

A license may be revoked on any one or more of the following grounds:

- A. Any facts exist upon which a denial of such license would be authorized;
- B. The licensee, or any agent or employee of the licensee has been convicted of violating any of the terms of this chapter, or any regulation, or of any law, statute, rule, order or regulation of the state, now or hereafter in force regulating the occupation or other activity for which the license was issued;
- C. The licensee obtained the license by fraudulent misrepresentations;

D. If the license authorizes engaging in the business of repairing any property, such as radios, television, or vehicles, the licensee, or any agent or employee of the licensee has stolen, or been convicted of the theft of, such property or any part thereof;

E. The licensee has been guilty of, or has been convicted of, fraud, false advertising or other misrepresentation, including misstatement of the work done, such as (1) the installation of old, or second-hand parts and the charging for new parts, or (2) charging for parts not installed or any other misdealing, dishonesty, or willful failure to comply with the terms of any contract made as a part of the exercise of the occupation or activity licensed;

F. The mutilation of any serial number, engine number, or other number or identifying mark on any property of other person, handled by the licensee in the course of the licensed business;

G. Conspiracy with any person to do anything described in subsections B, C, D, E or F of this section;

H. The failure or refusal of the licensee to notify the city manager of any material change in facts concerning the license within thirty days after such change. (Ord. 92-20 (part), 1992: prior code § 3.28.100)

5.04.110 Forfeiture of fee.

On revocation of the license, no part of the money in the hands of the city shall be returned, but the license fee shall be forfeited to the city. (Ord. 92-20 (part), 1992: prior code § 3.28.110)

5.04.120 New license.

When a license of any person is revoked for cause, no new or other license for the same or a similar business shall be granted to the same person within six months after such revocation. (Ord. 92-20 (part), 1992: prior code § 3.28.120)

5.04.130 Keeping insurance etc., in force.

A. Whenever this code requires the applicant for any license or permit to procure, post, or maintain in effect any bond, undertaking, deposit, surety, or policy of insurance, any license or permit so issued shall be in good standing only when such bond, undertaking, deposit, surety, or policy of insurance is in full force and effect. Such license or permit shall be automatically suspended without notice at any time such bond, undertaking, deposit, surety, or policy of insurance is not in full force and effect.

B. If a new bond, undertaking, deposit, surety, or policy of insurance acceptable to the city manager is filed before the cancellation or expiration of the old one becomes effective, the license or permit will continue in full force. (Ord. 92-20 (part), 1992: prior code § 3.28.130)

5.04.140 Administrative enforcement.

A. Authority of the City Manager. The city manager, upon a hearing after giving the licensee five days notice of the grounds for revocation or suspension, and the time and place of the hearing, and requiring him/her to show cause why the license should not be revoked, may revoke or suspend any one or more of the licenses held by such licensee. The city manager shall notify the licensee of his or her decision within three business days.

B. Appeals to the Council. Any person aggrieved by the decision of the city manager may appeal the decision to the council in the manner provided in Section 5.04.320.

C. Failure to Appeal. In the event no appeal is taken by the licensee, the decision of the city manager revoking or suspending such license shall become final and conclusive on the expiration of the time fixed for an appeal. (Ord. 92-20 (part), 1992: prior code § 3.28.140)

5.04.150 Compliance with laws required.

The payment of a license fee as required by the provisions of this chapter, and its acceptance by the city, and the issuance of such license to any person shall not entitle the holder to carry on any business unless he or she has complied with all the requirements of this code and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law. (Ord. 92-20 (part), 1992: prior code § 3.28.150)

5.04.160 License and penalties constitute debt to city.

The amount of any license fee and penalty imposed by the provisions of this chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license fee and penalties. (Ord. 92-20 (part), 1992: prior code § 3.28.160)

5.04.170 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.170)

5.04.180 Definitions.

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

"Business" means professions, trades, occupations, gainful activities, and all and every kind of calling whether or not carried on for profit.

"City" means the city of American Canyon, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

"Collector" means the city manager, or other city officer or employee charged with the administration of this chapter.

"Gross receipts" means the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part or in connection with the sale of materials, goods, wares, or merchandise.

"Gross receipts," as used in this chapter, shall mean the gross receipt of the year preceding the beginning of the annual license period. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service, costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be the following:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price returned by purchasers upon rescission of the contract sale as is refunded either in cash or by credit;
5. Amounts collected for others where the business is acting as an agent or trustee, to the extent that such amounts are paid to those for whom collected and provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;
6. That portion of gross receipts which has been the measure of a license tax or fee paid to any other city for sales transacted outside the city.

"Peddler" means any person who travels by foot or by any type of conveyance from door to door, house to house, place to place, or street to street, carrying, conveying, or transporting food, goods, wares, merchandise or other personal property of any nature whatsoever, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale. The word "peddler" means and includes the words "hawker," "huckster," "roadside vendor," and "itinerant vendor." The word "peddler" shall also mean a person offering goods, wares or merchandise for sale or future delivery from a fixed place of business if the goods, wares or merchandise are sold during a temporary or limited period of time, or seasonally.

"Person" means all domestic and foreign corporations, associations, syndicated, joint stock corporations, partnerships of every kind, clubs, business, or common-law trusts, societies and individuals transacting and carrying on any business in the city other than as an employee.

"Solicitor" means any person who travels either by foot or by any type of conveyance from door to door, house to house, place to place or street to street, taking or attempting to take subscriptions, contracts of sale, or orders for the sale of foods, goods, wares, merchandise or other personal property of any nature whatever for future delivery, or for services to be furnished in the future, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale or whether or not he/she collects advance payments on such sales. The word "solicitor" shall include any person who uses or occupies any building, structure, room, shop conveyance or other place other than a permanent store building within the county of Napa for the purpose of exhibiting samples and taking orders for merchandise or service for future delivery. The word "solicitor" shall include itinerant merchants, and persons soliciting funds or otherwise peddling or soliciting for religious, political or charitable purposes.

"Sworn statement" means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury. (Ord. 92-20 (part), 1992: prior code § 3.28.180)

5.04.190 Separate license for each place or type of business.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business licensed at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this

chapter shall not be deemed to be separate places of business or branch establishments; and provided further, that any person conducting two or more types of businesses at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records may, at his/her option, pay only one fee calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest payment on such gross receipts except that a license fee of three dollars for each additional branch, location, or type of business shall be paid. (Ord. 92-20 (part), 1992: prior code § 3.28.190)

5.04.200 Information confidential.

The collector or any authorized representatives shall not make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a license or pay a license fee under the provisions of this chapter or to divulge the amount or source of income, profits, losses, expenditures, or any particular information set forth in any statement or application, or to permit any statement or application, or copy of either, or any other related document which contains specific information as to the amount or source of income or expenditures of any person obtaining a license to be seen or examined by any person; provided, that nothing in this section shall be construed to present the disclosure to or examination of records by another city agent for the sole purpose of administering or enforcing any of the provisions of this chapter or auditing of accounts of the collector, federal or state officials, or a grand jury or court of law upon subpoena or in a proceeding to determine the existence or amount of any license fee liability of the particular licensee to the city; nor shall the disclosure of the names and addresses of persons to whom licenses have been issued and the general type of their business be prohibited hereunder, together with general statistics regarding business fees collected or business done in the city. (Ord. 92-20 (part), 1992: prior code § 3.28.200)

5.04.210 Exemption—Generally.

A. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable Statutes of the United States or of the state of California. Any person claiming an exemption pursuant to this chapter shall file a sworn statement with the collector stating the facts upon which exemption is claimed and shall furnish such information and verification as may be required.

B. In the absence of such statement substantiating the claim, such person and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.210)

5.04.220 Exemption—Charitable and nonprofit organizations.

The provisions of this chapter shall not be deemed or construed to require the payment of a license fee to conduct, manage or carry on any business, occupation, or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes from which profit is not derived, either directly or indirectly, by any individual; nor shall any license fee be required for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious or moral subjects within the city whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church or school or to any religious or benevolent purpose; nor shall any license fee be required for the conducting of any entertainment, dance, municipal organization or association whenever the receipts of any such entertainment, dance, concert exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived either directly or indirectly, by any individual; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from

complying with any of the provisions of this code requiring a permit from the city council or any commission or officer to conduct, manage, or carry on any profession, trade, calling or occupation. (Ord. 92-20 (part), 1992: prior code § 3.28.220)

5.04.230 Exemption—Disabled veterans.

No license fee payable hereunder shall be payable by any person who has received an honorable discharge or release from active duty in one of the United States armed services, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state. (Ord. 92-20 (part), 1992: prior code § 3.28.230)

5.04.240 Exemption—Newspapers, magazines and periodicals.

The provisions of this chapter shall not apply to the publication or sale of newspapers, magazines or other periodicals regularly issued at average intervals not exceeding three months. (Ord. 92-20 (part), 1992: prior code § 3.28.240)

5.04.250 Exemption—Businesses subject to franchise, etc.

No business license shall be required of any public utility or other service organization which pays to the city a fee or tax under a franchise or similar agreement. (Ord. 92-20 (part), 1992: prior code § 3.28.250)

5.04.260 Exemption—Limited income.

No business license shall be required of a person doing business and drawing social security benefits whose gross receipts do not exceed the maximum income allowed by Title 42, U.S. Code, Section 403(f)(3), as presently written or as amended. (Ord. 92-20 (part), 1992: prior code § 3.28.360)

5.04.265 Exemption—Business fee amnesty program

A. At the discretion of the City Council, a business license fee amnesty program may be conducted to encourage unlicensed businesses to come forward and pay for a current business license.

B. The business license fee amnesty program shall waive the penalties for a business not having a current business license and for all fees, interest and penalties due for not having a business license during any prior year.

C. The provisions of the amnesty program shall apply to any person, as defined in Section 5.04.180 of the Municipal Code, meeting the license fee liability requirement as defined in Section 5.04.020 who files an application for a business license and pays the applicable fee as defined in Section 5.04.390 through 5.04.430.

5.04.270 Fee adjustments required in cases of interstate commerce.

A. None of the license fees provided for in this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitution of the United States and the state.

B. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he/she may apply to the collector for an adjustment of the fee. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by sworn statement and supporting testimony, show his/her method of business and the

gross volume or estimated gross volume of business and such other information as the collector may deem necessary in order to determine the extent, if any, of such undue burden or violation.

C. The collector shall then conduct an investigation, and after having first obtained the written approval of the city attorney, shall fix as the license fee for the applicant, an amount that is reasonable and nondiscriminatory; or if the license fee has already been paid, shall order a refund of the amount over and above the license fee upon any measure which will assure that the license fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license fee as prescribed by this chapter

D. The collector may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross incomes from local sources upon which a license fee adjustment may be based; provided, that no additional license fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.270)

5.04.280 Application—Contents of license.

Every person required to have a license under the provisions of this chapter shall make application for the same to the collector, and upon the payment of the prescribed license fee the collector shall, if appropriate, issue to such person a license which shall contain (1) the name of the person to whom the license is issued (2) the business licensed (3) the place where such business is to be transacted and carried on (4) the date of the expiration of such license, and (5) such other information as may be necessary for the enforcement of the provisions of this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.280)

5.04.290 Statement of gross receipts.

A. In all cases where the amount of the license fee to be paid is measured by gross receipts, the applicant for license shall furnish to the collector a sworn statement setting forth such information as is required and as may be necessary to determine the amount of the license fee to be paid by the applicant. Upon making application for the first license to be issued, or for a newly established business, a person shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount of license fee to be paid by the applicant.

B. The applicant for the renewal of a license shall submit to the collector a sworn statement setting forth such information concerning the applicant's business during the preceding year as may be required by the collector to ascertain the amount of the license fee to be paid by the applicant. (Ord. 92-20 (part), 1992: prior code § 3.28.290)

5.04.300 Statements not conclusive.

A. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the collector, his deputies, or authorized employees or the city, who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee due. An inspection of books and records shall be made only when the city manager has determined that there is substantial necessity to do so in order to properly administer this chapter.

B. All licensees, applicants for licenses, and persons engaged in business in the city are required to permit an examination of such books and records for the purposes aforesaid. (Ord. 92-20 (part), 1992: prior code § 3.28.300)

5.04.310 Failure to file or correct statement.

A. If any person fails to file any required statement within the time prescribed, or if after required by the collector he fails to file a corrected statement, the collector may determine the amount of license fee due from such person by means of such information as he/she may be able to obtain.

B. If such a determination is made the collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States post office, postage prepaid, addressed to the person so assessed at his/her last known address. Such person may, within fifteen days after the mailing or serving of such notice, make application in writing to the city clerk for a hearing on the amount of the license fee. If such application is made, the city clerk shall cause the matter to be set for hearing before the city council. The city clerk shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment. The council shall consider all evidence produced, and shall make findings thereon, which shall be final. Notice of such finding shall be served upon the applicant in the manner prescribed above for serving notices of assessment. (Ord. 92-20 (part), 1992: prior code § 3.28.310)

5.04.320 Appeals.

Any person aggrieved by any decision of the collector or of any other city officer made pursuant to this chapter may appeal to the city council pursuant to the provisions of Sections 2.04.070—2.04.100 of this code. (Ord. 92-20 (part), 1992: prior code § 3.28.320)

5.04.330 Additional power of collector.

In addition to all other power conferred upon him or her, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the council, to compromise any claims as to amount of license fee due. (Ord. 92-20 (part), 1992: prior code § 3.28.330)

5.04.340 No license transferable—Amended license for changed location.

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, the licensee may apply to amend the license to authorize some other business location upon submittal of a complete application and paying a fee of ten dollars. (Ord. 92-20 (part), 1992: prior code § 3.28.340)

5.04.350 Duplicate license.

A duplicate license may be issued by the collector to replace any valid license which has been lost or destroyed upon the licensee filing a statement of such fact and, at the time of filing such statement, paying a duplicate license fee of five dollars. (Ord. 92-20 (part), 1992: prior code § 3.28.350)

5.04.360 Posting and keeping licenses.

All licenses shall be kept and posted in the following manner:

A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon within the business premises.

B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his/her person at all times while transacting and carrying on such business in the city.

C. Any licensee using a motor vehicle in connection with his/her business shall affix on the vehicle in a location prescribed by the city manager, a decal or tag, to be furnished by the city, showing that a current license has been issued. (Ord. 92-20 (part); 1992: prior code § 3.28.360)

5.04.370 Method and time of payment.

Unless otherwise specifically provided, all annual license fees shall be due and payable in advance in full on the first business day of January of each year. Quarterly payments shall be made on the first day of the first, fourth, seventh and tenth months of the license term. Quarterly payments may be made only during the twelve-month period following the issuance of the initial license, unless otherwise specifically allowed by other provisions of this chapter. (Ord. 92-20 (part), 1992: prior code § 3.28.370)

5.04.380 Penalties for failure to pay fee when due.

For failure to pay a license fee when due, the collector shall add a penalty of ten percent of such license fee on the first day of each succeeding month after the due date; provided, however, the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the license fee due. (Ord. 92-20 (part), 1992: prior code § 3.28.380)

5.04.390 License fees—Persons with fixed place of business.

Every person who engages in business at a fixed place of business within the city shall pay a license fee based upon gross receipts at the following rates and in the following classifications:

Gross Receipts Range	Class A	Class B	Class C
0 — 10,000	\$ 0.00	\$ 0.00	\$ 0.00
10,001 — 25,000	20.00	24.00	28.00
25,001 — 50,000	25.00	30.00	36.00
50,001 — 100,000	30.00	36.00	43.00
100,001 — 250,000	46.00	55.00	66.00
250,001 — 500,000	76.00	90.00	108.00
500,001 — 750,000	114.00	135.00	162.00
750,001 — 1,000,000	150.00	180.00	216.00
1,000,001 — 2,000,000	400.00	500.00	600.00
2,000,001 — 3,000,000	500.00	625.00	750.00
3,000,001 — 4,000,000	600.00	750.00	900.00
4,000,001 — 5,000,000	700.00	875.00	1,050.00
5,000,001 — 10,000,000	1,000.00	1,250.00	1,500.00

10,000,001 and up	1,500.00	1,875.00	2,250.00
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Classifications

Class A

- Automobile repair and services
- Laundry, dry cleaning and garment services
- Manufacturing
- Retail trade
- Wholesale trade

Class B

- Amusement and recreation services, including motion pictures
- Architectural services
- Automotive sales
- Barbers and hair stylists
- Beauty shops
- Engineering services
- Landscape and horticultural services
- Operators, renters and lessors of commercial property
- Services to buildings
- All other persons engaged in business not specifically listed elsewhere in this chapter

Class C

- Accounting, auditing and bookkeeping services
- Financial services
- Insurance brokers and services
- Legal services
- Management and public relations services
- Medical and health services
- Real estate agents, brokers, managers and services.

(Ord. 93-06 § 1, 1993; Ord. 92-20 (part), 1992; prior code § 3.28.390)

5.04.400 License fees—Persons without fixed place of business in the city.

A. Every person not having a fixed place of business within the city and not being otherwise licensed or classified in this chapter, who delivers any service by the use of vehicles in the city, except general and special construction contractors, shall pay a license fee as follows:

Capacity	Rate per Vehicle
Not exceeding one-half ton	\$15.00
One-half to 2 tons	25.00
Over 2 tons to 3 tons	50.00
Over 3 tons	75.00

B. Every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of this section shall pay a license fee at the same rate prescribed in this chapter for persons engaged in the same type of business from and having a fixed place of business within the city. (Ord. 92-20 (part), 1992; prior code § 3.28.400)

5.04.410 License fees—Flat rate.

Every person transacting and carrying on the businesses enumerated in this section shall pay a license fee as follows:

Advertising.

A. Billboards, signs not fixed on places of business: one hundred dollars per structure or sign.

B. Distributing handbills: one hundred dollars annually, or fifty dollars monthly, or twenty-five dollars daily.

C. Sound trucks: two hundred dollars annual fee per truck, or fifty dollars daily fee per truck.

D. Klieg lights: one hundred fifty dollars per year per light, or at licensee's option, fifteen dollars per day per light.

Auctioneers.

Auctioneers not having a fixed place of business in the city, two hundred fifty dollars per year, or at the option of the licensee, twenty-five dollars per day.

Card Rooms.

One hundred fifty dollars per table per year.

Carnivals, Fairs.

Two hundred dollars for the first day and one hundred fifty dollars for each additional day, for the first ten or fewer concessions; plus thirty dollars for the first day and twenty dollars for each additional day for each concession in excess of ten. For the purpose of this section, "concession" means any amusement ride, booth, exhibit, stall, tent, trailer, or stand which charges any fee for the ride, service or product offered.

Circuses.

Two hundred dollars per day.

Commercial Filming.

On city streets or other city property, as follows:

Persons Employed at Location	Rate per Day
1 — 3	\$100.00
4 — 6	200.00
7 — 9	400.00
10 and over	600.00

Traffic-control costs or any additional costs as required by the chief of police shall be paid entirely by the applicant.

Contractors.

Every person engaged in the business of contracting which requires a state contractors' license shall pay a business license as follows:

- A. General contractors, one hundred dollar annual fee;
- B. Subcontractors, fifty dollar annual fee;
- C. Business licenses for general contractors and subcontractors may be obtained semi-annually.

Living Accommodations.

Every person transacting or engaged in the rental of four or more dwelling units in any apartment house, roominghouse, houses for rent, or other living accommodations shall pay an annual fee of twelve dollars per unit, provided that hotels and motels shall be on the gross receipts basis, Class B.

Mobilehome, Trailer and Recreational Vehicle Parks.

Twelve dollars per space per year.

Peddlers and Solicitors.

- A. Principal, two hundred dollar annual fee.
- B. Each additional solicitor or peddler, ten dollars quarterly.

Sales Representatives.

Every person engaged in the business of soliciting of orders for sales or services by a nationally franchised business (such as AVON) wherein solicitation only occurs by previous appointment, shall pay a business license fee of twenty-five dollars per year.

Taxicabs.

- A. Taxicab operator's license, sixty dollar annual fee;
- B. Taxicab vehicles, per vehicle, twenty-five dollar annual fee. (Ord. 93-06 § 1, 1993: Ord. 92-20 (part), 1992: prior code § 3.28.410)

5.04.420 Coin-operated machines.

Every person operating and or more vending machines, coin-operated amusement device, shuffleboard, jukebox or other similar device, shall pay a license fee based on the entire gross receipts from all of such machines operated within the corporate limits of the city in accordance with the schedule set forth in Section 5.04.390, Class B. (Ord. 92-20 (part), 1992: prior code § 3.28.420)

5.04.430 Waiver or reduction of fees or penalties by city manager.

The city manager, for good and satisfactory cause shown, may on a case by case basis, waive business license penalties and interest up to \$1,000. As a condition of receiving the penalty and interest waiver, the business would be required to pay any business license fees in arrears up to a maximum of three prior years.

5.04.435 Waiver or reduction of fees or penalties by council.

The council, for good and satisfactory cause shown, may order the issuance of a license for less than the fees provided in this chapter or without the payment of any fee whatsoever. (Ord. 92-20 (part), 1992: prior code § 3.28.430)

5.04.440 Rules and regulations.

The collector may make such rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement. Such rules and regulations shall be known as "business license rules and regulations," shall be placed in written form and numbered consecutively, and shall be approved by the city attorney before becoming effective. A copy of each such "business license rules and regulations" shall be filed with the city manager and with the city clerk. (Ord. 92-20 (part), 1992: prior code § 3.28.440)

SECTION 2: Pursuant to the California Environmental Quality Act (Pub. Resources Code §§ 21000 et seq.) ("CEQA") and the CEQA Guidelines (Title 14, Cal. Code Regs., §§ 15000 et seq.) ("Guidelines"), the City Council has determined that the adoption of this Ordinance is not a "project" within the meaning of CEQA because pursuant to Guidelines 15378(b)(4) it involves only a government fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. In addition, the Ordinance is exempt under Guideline 15268(b)(2) in that it concerns the ministerial issuance of business licenses.

SECTION 3. The City Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause a summary of it to be published in a newspaper and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

The foregoing ordinance was **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon, State of California held on the 17th day of January 2012 by the following vote:

Mayor Garcia:	<u>Yes</u>
Vice Mayor <u>Cobb</u> :	<u>Yes</u>
Council Member <u>Bennett</u> :	<u>Yes</u>
Council Member <u>Bennett</u> :	<u>Yes</u>
Council Member <u>Joseph</u> :	<u>Yes</u>

Leon Garcia
Leon Garcia, Mayor

ATTEST
Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVE AS TO FORM:
William D. Ross
William D. Ross, City Attorney