



COUNTY OF ALPINE
Department of Finance
Susan Lapin-Chief Deputy Treasurer-Tax Collector
Tiffany Maccagno -Deputy Treasurer-Tax Collector

APPLICATION
FOR FIXED PLACE OF BUSINESS LICENSE
ORDINANCE 260
COUNTY OF ALPINE

DATE _____ PHONE _____

NAME OF BUSINESS _____

NAME OF APPLICANT _____

MAILING ADDRESS _____

PHYSICAL ADDRESS _____

TYPE OF BUSINESS: INDIVIDUAL _____ PARTNERSHIP _____ CORPORATION _____

NAMES / ADDRESSES OF PARTNERS/CORPORATE OFFICERS (use reverse if necessary)

NAME	TITLE	ADDRESS

LIST ALL TYPES OF BUSINESS TO BE CONDUCTED: _____

IS YOUR PLACE OF BUSINESS CORRECTLY ZONED FOR THE TYPE OF BUSINESS YOU PLAN TO CONDUCT? _____

PLEASE CONTACT ALL COUNTY DEPTS LISTED FOR OTHER PERMITS THAT MAY BE REQUIRED FOR YOUR BUSINESS. THEY WILL NEED TO SIGN OFF ON THIS APPLICATION.

COUNTY CLERK _____ HEALTH DEPT _____
(530) 694-2281 (530) 694-2146

COMMUNITY DEVELOPMENT _____
(530) 694-2140

BUSINESS LICENSE IS FREE TO HONORABLY DISCHARGED MILITARY VETERANS. PLEASE ATTACH EITHER COPY OF HONORABLE MILITARY DISCHARGE OR **\$29.00** ANNUAL FEE.

APPLICANT SIGNATURE

E-Mail Address

Chapter 5.04 BUSINESS LICENSES

Sections:

- 5.04.010 Title for citation.
- 5.04.020 Purpose—Statutory authority.
- 5.04.030 Territory where applicable.
- 5.04.040 Definitions.
- 5.04.050 Business license required.
- 5.04.060 License—Exemptions.
- 5.04.070 License—Multiple businesses.
- 5.04.080 License—Application.
- 5.04.090 License—Forms, fees and corrections.
- 5.04.100 License fee—Fixed places of business.
- 5.04.110 License fee Exemptions.
- 5.04.120 License fee—Refunds.
- 5.04.130 License—Term.
- 5.04.140 License—Posting and display.
- 5.04.150 License—Transfer of business.
- 5.04.160 Itinerant business permit—Required when.
- 5.04.170 Itinerant business permit—Application and issuance.
- 5.04.180 Itinerant business permit—Fee.
- 5.04.190 Carnivals and gaming rooms—License conditions.
- 5.04.200 Carnivals and gaming rooms—Fee for license.
- 5.04.210 Vending machine fees.
- 5.04.220 Enforcement—Tax collector authority.
- 5.04.230 Civil actions for collection of fees.
- 5.04.240 Violation—Penalty.

5.04.010 Title for citation.

The ordinance codified in this chapter shall be known and may be referred to in all proceedings as the "Alpine County Business License Ordinance." (Ord. 260 Art. 1 § 1, 1966)

5.04.020 Purpose—Statutory authority.

This chapter is enacted pursuant to Section 16100 of the Business and Professions Code for the purpose of regulating all kinds of lawful business transacted and carried on within the unincorporated territory of Alpine County. (Ord. 260 Art. 1 § 2, 1966)

5.04.030 Territory where applicable.

This chapter shall apply to all business transacted within the unincorporated territory of the county, including the soliciting of orders or the delivery of merchandise in vehicles owned or operated by the seller within such territory whose principal place of business is not within the unincorporated territory of the county. (Ord. 260 Art. 1 § 3, 1966)

5.04.040 Definitions.

The following words and phrases, when used in this chapter, shall be construed as follows:

1. "Business" means the same as the phrase "any kind of business not prohibited by law," as it is used and interpreted in Section 16100 of the Business and Professions Code, and shall include any occupation, trade, profession, pursuit, employment or enterprise regularly engaged in, either exclusively or not.

2. "Carnival" means any circus, sideshow, amusement arcade and fortunetelling or palm-reading parlor, and the operation of any two or more of the following devices within five hundred feet of each other: Merry-go-round, ferris wheel, any carnival-type ride, shooting gallery or pony ride.

3. "Fixed place of business" means any permanent warehouse, building or structure owned in fee, or leased for a term of three months or more, at which the owner or lessee carries on a legitimate permanent business in good faith and at which stocks of merchandise are produced, stored or kept in quantities usually carried and reasonably adequate to meet the requirements of the business; or, if the business is one of performing services, where such services are performed. "Fixed place of business" does not mean tents, temporary stands or other temporary structures, or permanent structures occupied pursuant to a temporary arrangement or lease for a term less than three months.

4. "Gaming room" means any room or place maintained for the lawful playing of any card games or other game of chance for which the person maintaining such room or place receives compensation in any form.

5. "Itinerant business" means and includes the soliciting or negotiating the sale or purchase of any merchandise at any place other than a fixed place of business, either in person or by telephone, such as a travelling merchant, hawker, itinerant peddlers, itinerant vendors, or any person who solicits business for persons engaged in such occupations.

a. The term "itinerant business" shall also include:

i. The installation or removal of tire chains for compensation at any place other than the fixed place of business which is owned by or whose owner employs the person who is installing or removing tire chains;

ii. The soliciting of alms, donations or gifts for the solicitor's own use;

iii. The soliciting of any kind of business from door to door, and

iv. The soliciting of business of any kind at the residence of the customers, either in person or by telephone.

b. The term "itinerant business" shall not include a vending machine.

6. "Person" means any person, firm, partnership, trust, estate, association, corporation or organization of any kind. Where a principal acts through an agent, the word "person" shall include both such principal and agent.

7. "Sell" or "sale" means and shall include offer for sale, solicit a sale, expose for sale, have in possession for sale, exchange, barter, trade, or any transaction in which merchandise is given for joining or making a contribution to any organization or business.

8. A person shall be deemed to "transact" or "operate" a business if he owns, manages or receives all or part of the profits or a commission from such business, or if he solicits, negotiates or engages in any itinerant business.

B. Gender—Singular and Plural. All words in the masculine gender shall be construed to include the feminine and neuter, and all words in the singular number shall be construed to include the plural. (Ord. 260 Art. 1 § 4,

5.04.050 Business license required.

It is unlawful for any person to transact any kind of business in the unincorporated area of the county without possessing an unexpired and unrevoked county business license unless such business is exempt from license requirements by this chapter. (Ord. 260 Art. 2 § 1, 1966)

5.04.060 License—Exemptions.

The following pursuits are exempt from the county business license requirements of this chapter.

- A. Agriculture. The production of timber, fruit, nuts, livestock, hay, grain, pasture, milk, poultry and other agricultural products, and the sale of such produce upon the premises where it is produced;
- B. Employment. A person who works for another at an agreed rate of compensation per unit of time or piece of work done is exempt from the requirements of this chapter;
- C. Public Agencies. The officers, boards, departments and agencies of the federal, state and local governmental agencies;
- D. Charities. Religious, service, fraternal, farmers, youth, charitable and nonprofit organizations, their officers and members, while acting for such organization;
- E. State Licenses. Persons authorized to engage in a certain profession, business or occupation by a license or permit issued by the state pursuant to a state law which fully occupies the field of regulating those persons who may lawfully engage in such profession, business or occupation, are exempt from the provisions of this chapter in respect to the pursuit of such profession;
- F. Mining. The operation of any mine, gravel pit or quarry. (Ord. 260 Art. 2 § 2, 1966)

5.04.070 License—Multiple businesses.

A separate business license is required for each separate place of business, even though two or more of such businesses are owned or operated by the same person.

- A. Where a combination of two or more kinds of businesses are operated at the same fixed place of business by the same person, only one license specifying the kinds of business operated is required therefor, and the fee to be paid shall be the highest fee for the kinds of business so operated imposed by this chapter.
- B. Where two or more businesses operated by different persons are located at the same fixed place of business, a separate license shall be required for each such business.
- C. A separate business license is required for each individual engaged in any itinerant business, even though any two or more of such individuals are employed by the same person or are associated together in the same business. (Ord. 260 Art. 2 § 3, 1966)

5.04.080 License—Application.

A. Any person desiring to obtain a county business license shall make application therefor upon a form supplied by the tax collector. The application shall state:

1. The name, address and telephone number of the business to be licensed;
2. Whether such business is owned by an individual, partnership, corporation;

3. The names and addresses of the individual owner, of all partners and of all corporate officers of such business;

4. All of the kinds of business to be transacted at the fixed address of the fixed place of business for which the application is made and the signature, address and telephone numbers of the applicant.

B. A separate application shall be made for each fixed place of business at which such business is transacted. (Ord. 260 Art. 5 § 1, 1966)

5.04.090 License—Forms, fees and corrections.

A. The county auditor shall have prepared blank license forms in duplicate in the form specified by the tax collector. The auditor shall cause such forms and the duplicates thereof to be consecutively press-numbered. The auditor shall deliver such quantity of license forms as the tax collector shall from time to time require. The tax collector shall deposit all license fees received with the county treasurer, and shall deliver to the county auditor his receipts for the license fees deposited with the treasurer for the preceding calendar month.

B. No erasures or alterations shall be made upon the original or duplicate copy of any license. Whenever any error is made in preparing any license, both the original and duplicate copy shall be marked "VOID" and both such voided original and duplicate copies shall be retained attached to the binding. All duplicate copies shall remain attached to the binding and shall be available to the county auditor at all times for auditing purposes. (Ord. 260 Art. 5 § 2, 1966)

5.04.100 License fee—Fixed places of business.

A fee is imposed for the privilege of operating a business at a fixed place of business in the unincorporated territory of the county in the sum of twenty-five dollars per year. (Ord. 260 Art. 4 § 1, 1966).

5.04.110 License fee—Exemptions.

The following persons are required to obtain the licenses and permits required by this chapter, but are exempt from the payment of any fees therefor.

A. Every veteran of the armed forces of the United States who presents a discharge or release from such service under honorable conditions for the following businesses only: Hawking, peddling or vending any goods, wares or merchandise owned by him, excepting alcoholic beverages, whether as an itinerant business or at a fixed place of business;

B. Any commercial traveler whose business is limited to goods, wares and merchandise sold or dealt in at wholesale, cleaning of septic tanks, or sale of liquid petroleum. (Ord. 260 Art. 4 § 5, 1966)

5.04.120 License fee—Refunds.

A. No part of any business license fee shall be refunded, after issuance of a business license, for abandonment of the business, revocation of the license, or other cause, except as provided in this section.

B. Whenever it is determined that any license fee was collected unlawfully by reason of the invalidity of any portion of this chapter, persons who have paid such fees may claim a refund thereof by submitting a claim therefor against the county on a standard county claim form, to the county auditor. (Ord. 260 Art. 4 § 6, 1966)

5.04.130 License—Term.

Except as otherwise provided in this chapter, the term of every license granted for businesses, except those for which a daily fee is imposed by this ordinance, shall be one year, commencing on the first day of July. The term

of a license for which a daily fee is imposed shall be for that number of full days specified in the license for which the license fee has been paid. (Ord. 260 Art. 2 § 4, 1966)

5.04.140 License—Posting and display.

Every licensee having a fixed place of business shall post his county business license in a conspicuous place in such place of business. Every licensee not having a fixed place of business shall have his county business license in his possession at all times he is transacting such business. It is unlawful for any county business licensee to fail to post or possess such license as required in this section, or to refuse to exhibit such license to any person upon demand. (Ord. 260 Art. 2 § 6, 1966)

5.04.150 License—Transfer of business.

Where the ownership of a business subject to license under this chapter is transferred, any county business license issued for such business shall automatically expire upon the date of such transfer. It is unlawful for the new owner to operate such business until a new county business license is issued therefor. The new owner of a previously licensed business shall be credited with the fee paid for the prior license. (Ord. 260 Art. 2 § 5, 1966)

5.04.160 Itinerant business permit—Required when.

No business license shall be issued to operate an itinerant business unless the applicant displays an itinerant business permit issued by the sheriff with his application. It is unlawful for any person to transact any itinerant business in the unincorporated territory of the county without possessing a valid and current county itinerant business permit issued by the county sheriff, in addition to a county business license issued by the tax collector. (Ord. 260 Art. 3 § 1 (part), 1966)

5.04.170 Itinerant business permit application and issuance.

A. Application for a county itinerant business permit shall be made to the sheriff at his office, Courthouse, Markleeville, California. The application shall be on a form supplied by the sheriff, containing such information as he shall require, including: The applicant's name, address, date of birth, height, weight, color, color of eyes, color of hair, marks or scars, type of business to be transacted, names and addresses of all owners of such business, together with the nature of their interest therein, applicant's interest in the business, description of the applicant's motor vehicle, if any, his marital status, his criminal record, if any, address of home office of business, number of associates accompanying the applicant, the period the applicant expects to be in the county, and any other information which may be required.

B. The application shall be accompanied by one recent four-inch by five-inch photograph of the applicant's face, taken while the applicant faced directly toward the camera; or, in lieu thereof, submit to being photographed by the sheriff. In addition, the applicant shall submit to having his fingerprints taken in such manner as the sheriff may require.

C. No person who has knowingly made any false statement in applying for a permit, or who has been convicted of a felony, petit theft or crime involving moral turpitude, shall be qualified for an itinerant business permit. The sheriff may conduct such investigation as he deems necessary to ascertain or verify the applicant's qualifications for a permit; provided, however, that such investigation shall be completed within ten days after the application is properly filed.

D. The sheriff shall issue to the applicant a county itinerant business permit within ten days after the applicant has filed an application therefor, properly signed and filled out, accompanied by the required photograph and fingerprints, unless the sheriff finds that the applicant has done some act which this chapter declares will disqualify a person from obtaining such permit, which disqualifying act shall be noted on the application and shown to the applicant on demand.

E. Such permit shall remain valid and current for a term of one year from the date of issuance unless sooner revoked in the manner specified in this chapter. Permits for subsequent years to a qualified applicant who has previously been issued a county itinerant business permit shall be issued upon submitting such information and pictures as the sheriff shall require to keep the sheriff's file on such applicant correct and up to date. (Ord. 260 Art. 3 § 1 (part), 1966)

5.04.180 Itinerant business permit—Fee.

A fee is imposed for the privilege of operating an itinerant business in the unincorporated territory of the county, in the sum of one hundred dollars per year, except the fee for an itinerant merchant selling or offering for sale dairy products and eggs only shall be twenty-five dollars per year. (Ord. 260 Art. 4 § 2, 1966)

5.04.190 Carnivals and gaming rooms—License conditions.

No business license shall be issued to operate any carnival or gaming room unless the applicant displays to the tax collector with his application a certified copy of a resolution to the board of supervisors, declaring that the public health, safety and welfare will not be endangered by such business at the location specified in the application, and the operation of such business will not violate any zoning or health laws or regulations. Prior to the adoption of any such resolution, the board of supervisors shall hold a public hearing, notice of the time, place and purpose of which has been posted at the Alpine County Courthouse main entrance at least ten days before the hearing. (Ord. 260 Art. 3 § 2, 1966)

5.04.200 Carnivals and gaming rooms—Fee for license.

A. A fee is imposed for the privilege of operating a carnival or lawful gaming room in the unincorporated territory of the county in the sum of twenty-five dollars per day, to defray the cost of supervision of the operation of such business.

B. In lieu of a daily license and fee, an annual carnival license for conducting a business of operating carnival rides, without other concessions, and limited to one fixed place of business, may be issued for one full year for an annual fee of two hundred fifty dollars.

C. Notwithstanding subsection B of this section or any other division of law, any business license issued pursuant to this chapter for the operation of a lawful gaming room shall be at a charge of twenty-five dollars per day. (Ord. 356 § 2, 1966; Ord. 260 Art. 4 § 3, 1966)

5.04.210 Vending machine fees.

A fee is imposed for the privilege of operating in the unincorporated territory of the county vending machines, as follows: Each vending machine, fifty cents per machine per year. (Ord. 260 Art. 4 § 4, 1966)

5.04.220 Enforcement—Tax collector authority.

The tax collector shall issue all county business licenses, collect all fees therefor, and enforce the provisions of this chapter. (Ord. 260 Art. 6 § 1, 1966)

5.04.230 Civil actions for collection of fees.

The fees imposed upon the privilege of operating a business in the unincorporated territory of the county shall constitute a debt owing to the county by the owner of such business, whether or not such business has been licensed. Such obligation may be enforced by a civil action brought in the name of the county of Alpine against such owner by the tax collector or the district attorney. (Ord. 260 Art. 6 § 2, 1966)

5.04.240 Violation—Penalty.

Any person who operates or transacts any business not exempt from license by Section 5.04.060 of this chapter in the unincorporated territory of the county without having an unrevoked and unexpired county business license therefor issued by the tax collector, or who violates any provision of this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the Alpine County Jail for a term not to exceed six months, or by both such fine and imprisonment. Each day a business is operated in violation of this chapter shall be deemed a separate and distinct offense punishable as provided herein. (Ord. 260 Art. 6 § 3, 1966)

The Alpine County Code is current through Ordinance 721, passed December 20, 2016.

Disclaimer: The Clerk of the Board's Office has the official version of the Alpine County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

