

ORDINANCE NO. 475F

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MADERA COUNTY
AMENDING CHAPTER 5.04 OF TITLE 5 OF THE MADERA COUNTY CODE
RELATING TO BUSINESS LICENSES**

The Board of Supervisors of the County of Madera ordains as follows:

SECTION 1. Chapter 5.04 of Title 5 of the Madera County Code is revised and amended in full to read as follows:

"Chapter 5.04 Business Licenses¹

5.04.010 Title.

This chapter shall be known as and may be cited as the "business license ordinance of the county of Madera."

(Ord. No. 475D, § 1, 12-10-13)

5.04.020 Purpose.

The purpose of this chapter is to ensure the health, safety, and welfare of the residents of Madera County in their transactions with entrepreneurs and to preserve and enhance the reputation and viability of businesses operating within Madera County.

(Ord. No. 475D, § 1, 12-10-13)

5.04.030 Definitions.

For purposes of this chapter, the following words and phrases are defined:

"Business" means any activity, trade, calling, profession, or occupation engaged in by any person with the object of gaining benefit, profit, or advantage for anyone.

"Fixed place of business" means a separate and distinct business establishment regularly kept open with an agent for such business in attendance.

"Peddler" means any person who, at any place other than a fixed place of business, offers for sale and immediate delivery any goods, wares, merchandise, or thing in the possession of the peddler.

¹ Editor's note(s)—Ord. No. 475D, § 1, adopted December 10, 2013, amended Chapter 5.04 in its entirety to read as herein set out. Former Chapter 5.04, §§ 5.04.010—5.04.220, pertained to similar material, and derived from Ord. No. 475, 1983; Ord. No. 475-A, 1984; Ord. No. 468A, 1987; Ord. No. 475B, 1990 and Ord. No. 475-C, 1994.
For statutory authority for counties to license any kind of regulation, see Bus. & Prof. Code § 16100; for authority to license hawkers, but no others, for revenue, see Bus. & Prof. Code § 16101.

"Peddler" does not include salesmen or agents for wholesale firms that sell only to retail dealers for resale and to manufacturers for manufacturing purposes. "Peddler" does not include an individual who operates a booth at a special event, where the special event applicant/coordinator/manager has already paid a business license fee.

"Person" means any natural person or persons, partnership, trust, corporation, association, society, club or other entity.

"Solicitor" means any person who goes from house to house or place to place, whether by appointment or otherwise, whose purpose is taking orders for or offering to sell goods, wares, merchandise or other things of value for future delivery or for services to be performed or who makes telephone calls for such purposes to persons within the unincorporated portion of Madera County.

(Ord. No. 475D, § 1, 12-10-13)

5.04.040 License collector.

The county Treasurer-Tax Collector shall be the business license collector for the county.

(Ord. No. 475D, § 1, 12-10-13)

5.04.050 General licensing requirement.

Except as otherwise provided in this chapter, no person shall maintain, conduct or carry on a business, whether or not for profit, within the unincorporated portion of Madera County without first obtaining a business license. No person shall establish a new or additional business location, change or expand the business use of any building or participate in a change of business ownership without first obtaining a new license. Separate licenses must be obtained for each branch establishment or separate business located within the unincorporated portion of Madera County.

If the licensee must apply for a new license due to any reason deemed necessary by the county, all required license fees, delinquent fees, violation fees, penalties and interest outstanding must be paid prior to applying for a new license.

(Ord. No. 475D, § 1, 12-10-13)

5.04.060 Application for license.

To obtain a business license, a written application shall be submitted to either the license collector, or to appropriate planning department staff, on county-approved forms. Applications shall be accompanied by the appropriate business license fees, as established by the county fee schedule. Every application for a business license shall be verified by the written oath of the applicant.

(Ord. No. 475D, § 1, 12-10-13)

5.04.070 Application prerequisites.

Any person seeking to do business in the unincorporated portion of the Madera County must comply with all applicable legal requirements (federal, state, and local) before applying for a business license. Every applicant shall obtain the approval of the Madera County planning department and Madera County environmental health department as to compliance with land use and public health and sanitation regulations. If any delinquent fees, violation fees, penalties and/or interest were assessed prior to obtaining a business license for any reason deemed necessary by the county, all outstanding balances and any violations must be resolved prior to being approved for a business license. If at any time the licensee fails to comply with any legal requirements, the license may be revoked or suspended.

(Ord. No. 475D, § 1, 12-10-13)

5.04.080 Issuance of license.

Upon meeting the requirements of this chapter, the license collector shall issue a license to the applicant.

(Ord. No. 475D, § 1, 12-10-13)

5.04.085 Duplicate license.

In the event a business license issued under the provisions of this chapter has been mutilated, destroyed, or lost, the licensee shall immediately apply to the License Tax Collector for a duplicate license and shall pay the fee for reissuing the license.

Any business license which has been suspended, revoked, or repossessed shall not be reissued until all required license fees, penalties, and interest have been paid.

5.04.090 Period of license.

Licenses shall be valid for one calendar year.

Effective July 1, 2019, all annual business licenses renewals will be billed semi-annually. Business licenses renewals will fall into one or two annual billing cycles. Cycle 1 billed on February 1st and Cycle 2 billed on August 1st.

(Ord. No. 475E, § 1, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.100 Renewals.

Cycle 1 billed February 1st of each succeeding year. Business license applications received between October 1st and March 31st will continue with new billing for Cycle 1 commencing on February 1st, with billing going to business license holder on or before January 15th.

Cycle 2 billed for August 1st of each succeeding year. Business license applications received between April 1st and September 30th will continue with new billing for Cycle 2 commencing on August 1st.

(Ord. No. 475E, § 2, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.105 Delinquent fees.

After the last day of the month following the month of license expiration, license renewals shall be delinquent. The license collector shall send a delinquent notice to each delinquent business license holder and shall add a charge of forty dollars per license to the license renewal fee. The forty dollars delinquent fee shall be due and payable along with the annual renewal fee, delinquent fees, violation fees, penalties and interest and shall be immediately due upon mailing of the delinquent notice.

If the license is not renewed and applicable fees are not paid within sixty days after the delinquent notice the license will be immediately deemed null and void. The licensee will incur a delinquent fee annually until the license is renewed or closed and will be required to pay all delinquent license fees, violation fees, penalties and interest at the time of renewal or closure.

In the event under the provisions of this chapter the license becomes delinquent, null, void, or revoked, the Tax Collector is authorized to repossess said license. Any business license repossessed shall not be returned to the licensee until such licensee has fully paid all delinquent fees, violation fees, penalties and interest incurred and accrued by reason of such delinquencies or violations.

(Ord. No. 475D, § 1, 12-10-13)

5.04.110 Posting or displaying license.

Every person issued a license under this chapter shall post it in a conspicuous location at the place of business. All persons, peddlers, and solicitors having such license and not having a fixed place of business shall carry such license upon his or her person at all times while carrying on the business for which it was granted. Every person having a license under the provisions of this chapter shall produce and exhibit the same whenever requested to do so by the Treasurer - Tax Collector or any of his or her deputies or county official. Every person, peddler or solicitor who shall fail or refuse to post, exhibit on demand, or display, as the case may be, the license required by this chapter shall, in addition to the penalties imposed by this chapter, have his or her license revoked as provided in 5.04.130 of this chapter.

(Ord. No. 475D, § 1, 12-10-13)

5.04.120 License nontransferable.

No license issued pursuant to the provisions of this chapter shall be assignable or transferable, nor shall any license authorize any person other than named therein to

transact any business. When a licensee who conducts a business from a fixed place of business in the county makes a bona fide sale of the business, the license is not transferable and shall expire without refund to the licensee. The person establishing or taking over the business shall come within the new business provisions as set forth in 5.04 of this chapter.

(Ord. No. 475D, § 1, 12-10-13)

5.04.125 Business License Closure.

If the licensee is no longer conducting business in Madera County, the licensee must notify the Tax Collector and shall immediately surrender the current business license issued. If the licensee fails to close their business operations or continues to conduct business, the licensee will be in violation of this chapter and will be punishable as described herein.

5.04.130 Suspension and revocation—Grounds for suspension, refusal or revocation.

No person shall be refused a county business license nor have the license revoked except that the tax collector may suspend or revoke or refuse a license for any of the following reasons:

- A. Failure to pay the required licensing fee.
- B. Failure to pay delinquent fees, violation fees, penalties and/or interest.
- C. Any tax payment due under the provisions of this chapter shall become delinquent.
- D. Misrepresentation of any material fact in the application for the business license.
- E. Failure to comply with any mandatory provision of this chapter.
- F. Failure to comply with any law, ordinance, rule or regulation relating to the operation of the particular business.
- G. Conviction of any crime related to the licensee's conduct of his or her business.
- H. Violation of California Health and Safety Code Section 11364.7.
- I. The violation of any state or federal law or any county ordinance regulating the business, the construction, alteration or repair of buildings and sewage disposal systems used in the business or regulating the use of the land upon which the business is operated.
- J. Failure to file with the clerk of the county in which the principal place of the business is located, as stated in the application for the license, a fictitious name certificate with respect to any name used to identify the business as required under state law.

In the event a business license is revoked for delinquent taxes, it shall be unlawful to conduct business within the unincorporated areas of the county without such license.

It shall be unlawful for any person to post or exhibit, or permit to be posted or exhibited, any license which has expired, or which may have been revoked, or to post or exhibit any such license during any period that such license is suspended.

(Ord. No. 475E, § 3, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.135 Notice of revocation or suspension.

The tax collector may revoke or suspend any county business license for any one or more of the grounds specified in Section 5.04.130 by delivering a notice of revocation or suspension to the owner to the business in any one of the following ways:

A. By certified or registered mail addressed to the owner of the business as the owner's name and address appear on the application for the permit.

B. By delivering the notice to the owner, any partner or corporate officer named in the application for the permit in person.

C. By delivering the notice to any employee of the owner at the fixed place of business specified in the license.

D. By posting the notice in a conspicuous place upon the premises of the fixed place of business specified in the license. The notice of revocation or suspension shall identify the license affected by number, date and name of business and specify the grounds for which the license was revoked or suspended and be dated and signed by the tax collector or any authorized employee. The revocation or suspension shall be effective at the time the notice is delivered personally or posted or forty-eight hours after the notice is deposited in the United States mail as shown by the postmark on the envelope and the date the revocation or suspension becomes effective shall be stated in the notice.

(Ord. No. 475E, § 4, 5-21-19)

5.04.140 Suspension and revocation hearing and notice.

If the license collector determines that cause exists for the suspension or revocation of a business license, the licensee shall be given written notice of that determination as provided in Section 5.04.135 and shall be provided an opportunity to request a hearing before the board of supervisors.

(Ord. No. 475E, § 5, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.150 License suspension and revocation hearing.

A hearing before the board of supervisors to consider the suspension or revocation of a business license shall be held upon ten days' written notice to the licensee. The licensee shall be provided an opportunity to appear and present evidence on his or her behalf. The decision of the board of supervisors shall be final.

(Ord. No. 475E, § 6, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.160 License fees—Solicitors and peddlers.

A. Solicitors and peddlers shall pay a license fee of forty dollars per twelve-month period. Renewals shall be governed by the same renewal cycles outlined in Sections 5.04.100 and 5.04.180. No refunds shall be granted.

B. An applicant for a solicitor or peddler's license shall apply for and obtain an identification permit from the Madera County Sheriff's Office.

C. The identification permit shall be on a form prescribed by the license collector and the applicant shall be fingerprinted by the sheriff's office. The cost of the identification permit and fingerprinting shall be borne by the applicant.

D. No solicitor or peddler shall conduct business within the unincorporated area of Madera County between the hours of eight p.m. and eight a.m.

E. License fees referenced herein are exclusive of fees as required by Government Code Section 4467.

(Ord. No. 475E, § 7, 5-21-19; Ord. No. 475D, § 1, 12-10-13)

5.04.170 Reserved.

5.04.180 Licensing fees—General business.

A. Except as otherwise provided by Sections 5.04.160 or 5.04.170 or 5.04.190, the fee for each business license is forty dollars per twelve-month period.

B. A new license business issued in January, February or March will pay the full forty dollars and will fall into billing Cycle 1 (February 1st).

C. A new business license issued in October, November or December will pay a partial fee of ten dollars and will fall into billing Cycle 1 (February 1st).

D. A new business license issued in July, August or September will pay the full forty dollar and will fall into billing Cycle 2 (August 1st).

E. A new business license issued in April, May or June will pay a partial fee of ten dollars and will fall into billing Cycle 2 (August 1st).

F. License fees referenced herein are exclusive of fees as required by Government Code Section 4467.

(Ord. No. 475E, § 8, 5-21-19)

5.04.190 Fee exemptions.

The following persons shall be exempt from the payment of only business license fees, but shall be required to file an application with the license collector:

A. Every honorably discharged veteran who qualifies pursuant to the provisions of Business and Professions Code § 16102. All claims for such exemption shall be referred to the Veterans' Service Office for investigation and recommendation.

B. Any person engaged in wholesaling goods, wares, and merchandise to retail dealers and manufacturers for resale or for incorporation into produced goods.

C. All nonprofit charitable, religious, fraternal, and educational organizations and any solicitor or peddler employed by such organization who does not profit from such business activity.

D. Any person conducting the following types of public auctions:

1. Sale of government property;
2. Sale of property through a court order or a deed of trust;
3. Sale of property by a trustee, assignee, or receiver in bankruptcy.

E. Any person selling used household goods or other used personal property at his or her residence.

F. Any public utility possession a franchise granted by and making payments thereunder to the county of Madera.

G. Any person selling agricultural, viticultural, horticultural, stock, dairy, or poultry products, grown or produced by the person's own labor on property owned, leased, or possessed by that person. All claims for such exemption shall be referred to the county agricultural commissioner for investigation and recommendation.

H. Any person who is transacting or carrying on any business that is exempt from the payment to a political subdivision of business license fees by virtue of the Constitution or applicable statutes of the United States or the state of California.

(Ord. No. 475D, § 1, 12-10-13)

5.04.200 Violation.

Any person violating any provisions of this chapter, or willfully failing or neglecting to comply with any terms, requirements or provisions of this chapter or directly or indirectly aiding or assisting in the violations of any term, requirement, or provisions of this chapter, or knowingly or intentionally misrepresenting to any officer or employee of the county any material fact in procuring the license or permit as provided in Chapter 1.12 of this code shall be deemed guilty of a misdemeanor.

(Ord. No. 475D, § 1, 12-10-13)

5.04.210 Applicability.

This chapter shall apply to all businesses being conducted in the unincorporated portion of Madera County upon the effective date of this chapter; provided that any business license which is valid, unexpired and unrevoked as of the effective date of this chapter shall remain valid until December 31, 2013.

(Ord. No. 475D, § 1, 12-10-13)

5.04.220 Other licenses or permits.

The granting of a business license under this chapter does not relieve the applicant from the duties or provisions of any other chapter or section of this code. This includes, but is not limited to, applying for and receiving any other applicable license or permit required under this code.

(Ord. No. 475D, § 1, 12-10-13)"

SECTION 2. This Ordinance shall take effect thirty (30) days after its adoption and before the expiration of fifteen (15) days after its passage, it (or a summary) shall be published with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of Madera.

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The foregoing Ordinance was adopted this day of JUNE 4, 2024,
by following vote.



Supervisor Wamhoff voted: Yes
Supervisor Rogers voted: absent
Supervisor Poythress voted: Yes
Supervisor Gonzalez voted: Yes
Supervisor Macaulay voted: Yes

David Poythress
Chairman, Board of Supervisors

ATTEST:

Karen Scriver
Clerk, Board of Supervisors

Approved as to Legal form:
COUNTY COUNSEL

By: Dale E. Bacigalupi
Digitally signed by: Dale E. Bacigalupi
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