

# BUSINESS LICENSE ORDINANCE 2013 UPDATE

March 5, 2013

# Introduction

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- Over the past several years, the County has:
  - ▣ created an independent Fire Department,
  - ▣ improved mutual aid delivery for Ambulance Providers throughout the County, and
  - ▣ increased Fire Inspections for business sites.
  
- Business License Update is the natural progression to improving public safety and enhancing the delivery of services for the business community.

# Mission

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- Two primary purposes of the Update are:
  - 1) Establish and maintain a database of businesses in the unincorporated area of the County in order to identify them for fire protection and other emergency response purposes, and
  - 2) Guide business owners to the proper services to provide an understanding of existing regulations affecting their businesses, including applicable building, planning and zoning requirements.

# Proposed License Changes

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- Proposed amendment to the Business License Ordinance
- Primary Change: all businesses with a fixed place of business in the unincorporated area of the County will be required to obtain a Business License (with exemptions)
- Fee: \$50 for application and annual renewal
  - ▣ Average fee Statewide: \$150
  - ▣ Each city in the County requires a Business License, and most Counties in the State
- Term: 12 months upon date of issuance

# Proposed License Changes

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- Not intended to capture every business in the County
- Does not create any restrictions or regulations for businesses
- Nothing in the ordinance would affect any existing regulations or requirements for businesses
- Method for staff to compile relevant data regarding structures for public safety and to ensure that businesses are complying with existing public safety regulations

# Current License

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- Business Regulations and License Ordinance
  - ▣ Part 6 of the Tulare County Ordinance Code
- Requires 17 highly-regulated business types to obtain Business Licenses, such as:
  - ▣ Adult-Oriented Businesses
  - ▣ Gambling Establishments
  - ▣ Mobile Food Vendors
- Fees range from \$50 to \$250, depending on business type (other applicable fees)
- Business License Update does not significantly change the requirements for these existing business types (except Chapter 25 – Peddlers)

# Proposed License Changes

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- During Fiscal Year 2012/13:
  - ▣ Conducted Department Consultations
  - ▣ Updated Draft Ordinance several times
  - ▣ Identified various software solutions
  - ▣ Prepared process flowcharts
- Departments Involved
  - ▣ County Counsel: draft the update
  - ▣ County Administrative Office: manage adoption of update
  - ▣ Information and Communications Technology: identify software solutions
  - ▣ Resource Management Agency: strategize implementation
  - ▣ Fire, Sheriff's Office, and HHSA provided comments

# Proposed Fee Structure

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	Process	Position	%	
Total Estimated Business Structures: 2,500	Application	Office Asst III	60%	\$ 23,000
	Enforcement	Building Inspector II	90%	\$ 54,000
	Review			
Fee is Not Revenue-Generating	Fire	Fire Captain	90%	\$ 57,000
	Sheriff	Sergeant	30%	\$ 29,000
Cost Recovery Fee: \$135	EHS	Env. Health Spec. II	90%	\$ 54,000
	RMA	Staff Svcs Analyst III	60%	\$ 40,000
	RMA	Planner II	30%	\$ 20,000
Up-Front Software Purchase: \$200,000	Annual Software			\$ 18,000
	<i>Five year payment of up-front costs</i>			\$ 40,000
	<b>Total Costs</b>			<b>\$ 335,000</b>
	<b>Total Revenues</b>	<b>\$ 50.00</b>	<b>2,500</b>	<b>\$ 125,000</b>
	Net Cost			<b>\$ -210,000</b>

# Proposed License Changes

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- Exemptions: Businesses that will not be required to obtain a business license or pay a fee
  - Any business that does not have a fixed place of business in the unincorporated area of the County, except highly-regulated businesses
  - Businesses located in a residence without a separate business structure, except for highly-regulated businesses
  - Financial Institutions; Insurers; Common carriers regulated by the CA PUC
  - Agricultural land used for apiaries, vineyards, orchards, row crops, pastures, or open land grazing
  - Farm Stands without permanent structures
  - Lease or rental of three or fewer residential units on one property
  - Rodeos and Fairs
  - Community Care Facilities & Residential Care Facilities
  - Domestic Service Businesses (i.e. home cleaning services)
  - Minor-Operated Businesses (i.e. youth cookie sales)

# Proposed License Changes

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- Fee Exemptions: Businesses that are required to obtain a license but are not subject to the fees
  - Honorably Discharged Veterans
  - Nonprofit charitable, religious, fraternal, education organization with tax-exempt status
  - Any individual business whose fees are waived by the Board of Supervisors (Section 135 of Ordinance Code)

# Proposed Implementation

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- License Collector: Resource Management Agency will Administer and Implement
  
- Reviewing Departments: will review for compliance with existing regulations, each also has authority to enforce
  - Fire Department
  - HHS Environmental Health
  - Resource Management Agency
  - Sheriff's Office

# Proposed Implementation Process

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• Business Owner inquires to RMA if their business is subject to the Business License Ordinance

• RMA determines if Business is subject to License and/or Fees  
• If Business is not subject to License and Fees, no further action is necessary

• If required, Business Owner submits fees (as applicable) and application to RMA

• RMA confirms that application is complete and necessary fees were submitted

• Fire, Sheriff, HHSA, and RMA review application for compliance with existing regulations  
• On-site inspections performed as necessary

• Reviewing Departments provide report to RMA

• If no violations are cited or if the violations are corrected, **License is issued**  
• If violations are cited and not corrected, **License is denied**. Applicant may begin appeal process.

# Proposed Implementation

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## □ Implementation & Enforcement

- Designated departments have the authority to enter a business for inspection during business hours
- Advertising and other representations will be considered evidence that a business exists
- Violations are infractions, which can be ticketed pursuant to County's existing citation procedure
  - Section 125: 1<sup>st</sup> violation in one year is \$100, 2<sup>nd</sup> is \$200, and 3<sup>rd</sup> is \$500
- Denials, Appeals, Suspensions, Emergency Suspensions, and Revocations are provided for in the Ordinance

# Proposed License Changes

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- Other Non-Substantive Changes
  - ▣ Definitions section being expanded for clarification
  - ▣ Planning, building, and zoning added as requirements for issuance
  - ▣ Application Form to include additional Fire Dept and Environment Health information
  - ▣ Fees will be set by Resolution of the Board, not written into the Ordinance
  - ▣ Typographical corrections

# Proposed Adoption Schedule

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- March:
  - Board Presentation
  - Community Outreach
- April
  - Community Outreach
- May
  - Publication
  - Public Hearings
- June
  - Publication
- July 1, 2013: Effective

District	Proposed Unincorporated Communities
1	Strathmore Three Rivers
2	Earlimart Pixley Tipton
4	Cutler-Orosi Ivanhoe Goshen
5	Terra Bella Springville

# Conclusion

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- Questions