

Purpose and Details of Changes

Over the past several years, the County has created an independent Fire Department, improved mutual aid delivery for Ambulance Providers, and increased Fire Inspections for business sites. A Countywide Business License Ordinance is the next step in continuing this improvement to public safety and enhancing delivery of services for the business community in the County. The proposed Business License would improve many components of public safety, including: Fire Safety, Sheriff's Law Enforcement, Environmental Health Safety, Planning, Building, and Zoning.

Mission Statement

The purposes of the Business License are to:

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,
2. Guide business owners to the proper services to provide an understanding of regulations affecting their businesses, including applicable building, planning and zoning requirements.

Current Ordinance

The County currently has a Business Regulations and License Ordinance (Part 6 of the Tulare County Ordinance Code). This ordinance requires highly-regulated businesses (Adult-Oriented Businesses, Gambling Establishments, Mobile Food Vendors, and 14 other business types) to obtain Business Licenses. The existing fees range from \$50 to \$250. The existing Ordinance was reorganized in 2009. The proposed changes would not significantly change the requirements for these business types.

Proposed Changes

County staff has been developing a comprehensive amendment to the County's existing Business License Ordinance. The most significant proposed change to the Ordinance would require all businesses with a fixed-place of business in the unincorporated area of the County to obtain a Business License from the County, regardless of business type.

The Business License fee and annual renewal fee are each proposed to be \$50. The Ordinance may include a "sliding-scale" fee that adjusts based on size of business. There are several types of businesses that would be exempt from the license requirements, and some types of businesses or categories of owners that would be exempt from the fee but not the license requirements. All eight cities in the County require Business Licenses, as do most Counties in the State. RMA would administer the business license, and RMA, Environmental Health, Fire, and the Sheriff's departments would review applications for compliance with regulations.

The Ordinance does not create any new restrictions for businesses; nothing in the ordinance would affect any existing regulations or requirements for businesses. The Business License would be a method for staff to compile relevant data regarding structures and to ensure that businesses are complying with existing regulations.

The Ordinance would be considered by the Board in May 2013. If approved, it would become effective on July 1, 2013

Fact Sheet

- Fee & Term
 - Application and Renewal Fee: \$50.00; may be a “sliding-scale” fee
 - Term: 12 Months upon issuance
- Departments Involved
 - Current Administrator: Tax Collector
 - Proposed Administrator: Resource Management Agency
- Exemptions: Businesses that will not be required to obtain a business license
 - Any business located within a residence that does not have a separate fixed place of business, except the highly regulated types that must have a license
 - A federal, state, or local government agency; Financial institutions; insurers; common carriers; and community care facilities and certain residential care facilities
 - A farmer with no business buildings in the unincorporated area, who engages in activities such as apiaries, vineyards, orchards, row crops, pastures, or open land grazing
 - A farmer whose only business building is a farm stand without permanent structures
 - Rental or lease to others of not more than three residential dwelling units, which must be located on the same property as the business owner’s residence
 - Rodeos and fairs, except the highly regulated types that must have a license
 - A business providing domestic services within a residence
 - A business operated by a minor
 - Swap meet vendors (swap meet operators would be required to obtain a license)
- Fee Exemptions: Business that are required to obtain a license but not subject to the fees
 - Honorably Discharged Veterans
 - Nonprofit charitable, religious, fraternal, education organization with tax-exempt status
- Substantive Changes
 - Cottage Food Operators would be added as a new type of highly regulated business
 - Peddlers chapter would be amended
 - Junk Dealers chapter would be updated to comply with current law
- Other Non-Substantive Changes:
 - Definitions Section would be expanded for clarification
 - Planning, building, and zoning would be added as requirements for issuance
 - Provision for duplicate license would be added
 - Application Form would include additional Fire Dept and Environment Health information
 - Fees would be set by Resolution of the Board, not written into the Ordinance
- Implementation & Enforcement:
 - The most cost-effective software solution for implementation is being identified
 - Designated officials would have the authority to enter a business for inspection during business hours
 - Advertising and other representations would be considered evidence that a business exists
 - Violations are infractions, which can be ticketed, or enforced under Ordinance Code
 - Denials, Appeals, Suspensions, Emergency Suspensions, and Revocations in ordinance