

CHAPTER 6.60

BUSINESS REGISTRATION CERTIFICATE

6.60.010 Purpose.

A. This chapter is enacted for the purpose of providing an inventory of commercial activities conducted within the City; a method of determining compliance with safety regulations imposed on commercial activities within the City; and a mechanism whereby owners of commercial activities can be identified and notified by City officials. (Ord. 92-34)

B. Unless otherwise expressly exempted, it shall be unlawful for any person to commence, conduct, manage, (participate in, advertise or sponsor) a commercial activity within the City without concurrently having a valid Business Registration Certificate from the City.

C. Notwithstanding the provisions of this Chapter, proposed activities shall be subject to Zoning Regulations and Coastal Development Requirements, pursuant to Title 30 of this Code. (Ord. 94-06)

6.60.020 Definitions. For the purpose of this Chapter, the following words and phrases shall have the meaning set forth:

A. "Commercial Activity" means all manner of commercial activity, to include without limitation, professions, trades, occupations and callings, whether or not carried on for profit.

B. "Commercial Activity" does not include:

1. Those activities which are not likely to exceed \$1,500 in gross annual revenue and involve no more than a single or occasional act within the City.
2. A single act.

C. "Notice" includes notice to a responsible employee or agent of the person conducting the activity.

D. "Person" includes, without limitation, an individual, association, domestic and foreign corporations, syndicates, joint stock corporations, partnerships, club, common law trust, or society.

6.60.030 Claim of Exemption.

A. This Chapter shall not be construed to require any person to obtain a Business Registration Certificate prior to conducting a Commercial activity within the City if the requirement conflicts with applicable statutes of the United States or the State of California.

B. Any person claiming an exemption pursuant to the provisions of this Chapter shall file a signed statement with the City Clerk stating the facts upon which the exemption is claimed. In the absence of such statement substantiating the claim, such person shall be liable for the obligations imposed by this Chapter. (Ord. 2003-04)

C. Upon a proper showing contained in a signed statement, the City Clerk, or his/her designee, whether the person is entitled to the claimed exemption. (Ord. 2003-04)

D. Upon the giving of notice and a reasonable opportunity to respond, the City Clerk may revoke an exemption granted in accordance with this Chapter upon a finding that the activity is not entitled to the exemption. (Ord. 2003-04)

6.60.040 Fees. Fees for this Chapter may be imposed as follows:

A. An application fee based upon the City's costs in processing applications, to include required inspections; payable at the time of application.

B. A certificate replacement fee based upon the City's costs in replacing a lost or destroyed certificate; payable at the time of application.

C. A certificate renewal fee based upon the City's costs in processing the renewal application; payable at the time of the application.

6.60.050 Issuing Authority. The City Clerk is the Issuing Authority for a Business Registration Certificate. (Ord. 2003-04)

6.60.060 Application.

A. The City Clerk shall prepare and have available application forms calling for such information as is necessary to accomplish the purposes of this Chapter. (Ord. 2003-04)

B. A separate certificate shall be applied for and a separate fee shall be paid for each branch establishment or location of the commercial activity to be transacted or carried on.

C. A separate certificate shall be applied for and a separate fee shall be paid for by each separate operator of each separate type of commercial activity to be transacted or carried on at the same location.

D. Applications for an initial, renewal or replacement certificate shall be submitted under penalty of perjury to the Office of the City Clerk. (Ord. 2003-04)

E. If the application is submitted by an agent, then the agent shall file (with the application) written statement that the principal has authorized the agent to apply for the certificate on the principal's behalf.

F. In the event that the application is made for the issuance of a certificate to a person doing business under a fictitious name, the full name, phone number and place of residence of the principal owner of the business or persons responsible shall be provided.

G. In the event that the application is made for the issuance of a certificate to a corporation, partnership, organization, association, syndicate or any other joint venture not identified in E, F, or G of this Chapter, the full name, phone number and place of residence of the principal owner or responsible person shall be provided.

H. The applicant shall furnish a signed statement setting forth, without limitation, the following information:

1. The exact nature or kind of commercial activity for which a certificate is requested;
2. The place where such commercial activity is to be carried on, and if the same is not to be carried on at any permanent site, then a description of the route or temporary location; and
3. The full name, day and night phone number, and the place of residence of the principal owner, business owner or on-site manager of the commercial activity.

6.60.070 Approval for Issuance. The Issuing Authority shall issue a Business Registration Certificate unless one or more of the following conditions is found to exist:

- A. A complete application has not been submitted;
- B. The fee has not been paid;
- C. The proposed commercial activity does not comply with applicable fire, building, other safety codes or with other applicable regulations imposed on commercial activities within the City.

6.60.080 \*Appeal on Denial. If the Issuing Authority denies the issuance of the Business Registration Certificate, the applicant shall be notified in writing and provided an opportunity to present further information to the Issuing Authority. (\*See Chapter 1.12.010 through 1.12.060).

6.60.090 Term of Certificate. Unless otherwise expressly provided, all Business Registration Certificates issued pursuant to this Chapter shall expire 365 days after issue.

6.60.100 Display of Certificate.

- A. Posting of Certificate. Every person carrying on a commercial activity at a fixed place of business within the City shall keep the certificate posted, while in force, in some conspicuous place upon the premises where the commercial activity is carried on.
- B. Carrying Certificate. Every person carrying on a commercial activity but not operating at a fixed place of business within the City shall keep the certificate or a copy thereof available at all times while carrying on the commercial activity for which it is issued.
- C. Exhibiting Certificate Upon Request. Every person carrying on a commercial activity within the City shall produce and exhibit the certificate whenever requested to do so by any officer or employee of the City. (Ord. 2003-04).