

ORDINANCE NO. 2010- 1074

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 5
OF THE PLUMAS COUNTY CODE
RELATING TO BUSINESS LICENSES AND ITINERANT VENDORS

WHEREAS, the provisions of the Plumas County Code relating to business licenses and itinerant vendors were last amended by Ordinance 80-385, effective July 31, 1980; and

WHEREAS, the Board of Supervisors seeks to update the Plumas County Code to improve the efficiency and effectiveness of licensing itinerant vendors in order to reduce burdens on both County staff and persons seeking to do business in Plumas County; and

WHEREAS, the Board of Supervisors seeks to ensure the accountability of all itinerant vendors to help protect consumers and to promote fair competition amongst all itinerant vendors by enforcing consistent standards throughout the County;

NOW, THEREFORE, the Board of Supervisors of the County of Plumas, State of California, **ORDAINS** as follows:

Section 1. Section 5-1.101 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.101. Required.

It shall be unlawful for any person to transact any business which is licensed by this chapter within the County without first having procured a license from the Tax Collector, who shall be referred to in this chapter as the License Tax Collector. Each day's operation of a business without a license shall constitute a separate offense.

Section 2. Section 5-1.104 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.104. Forms: Records.

The License Tax Collector shall prepare and have printed suitable blank licenses and blank receipts for use in carrying out the provisions of this chapter. The License Tax Collector shall affix his or her seal to, number, and sign all licenses required by this chapter and shall keep a record of all licenses issued.

Copies of all licenses sold by the License Tax Collector shall be kept in his or her office for a period of one year after such licenses are sold and until such time as the license account has been examined and reported correct by a legally appointed expert and such report has been approved by the Board, after which time the License Tax Collector may destroy the copies.

Section 3. Section 5-1.108 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.108. Posting.

Every person obtaining a license pursuant to the provisions of this chapter and carrying on a business or occupation at a fixed place of business shall keep such license posted and exhibited while in force in some conspicuous part of the place of business. Every person obtaining a license to conduct business as an itinerant vendor pursuant to the provisions of this chapter shall display such license conspicuously at all times upon the vendor's stand, cart or container.

Section 4. Section 5-1.113 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.113. Zoning Administrator approval.

No permit or license which is dependent on or affected by the zoning, setback, or other laws of the County administered by the Zoning Administrator shall be issued except upon the prior approval of the Zoning Administrator.

Section 5. Section 5-1.202 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.202. License taxes.

Every person carrying on the business of itinerant vendor or peddler shall pay Two Hundred Dollars (\$200) per year as and for a license tax.

Section 6. Section 5-1.203 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.203. Licenses: Applications: Accompanying data.

Each applicant for a license shall present a valid driver's license or other form of government-issued identification sufficient to establish the applicant's

identify. If application for a license is made in the name of a business, the applicant shall list the names of all natural persons who shall be authorized to conduct business under such license, and the names of each such person shall be listed on the license. Each application for a license shall be granted if there is no evidence of bad character on the part of the applicant and if such application is accompanied by satisfactory proof that:

- (a) The applicant's weighing or measuring equipment has been inspected and approved by the Sealer of Weights and Measures of the State or his deputy;
- (b) The applicant has a valid sales tax permit if the merchandise to be sold is subject to State sales taxes; and
- (c) The terms have been inspected and approved by the County Health Department if the merchandise to be sold consists of food items.

Section 7. Section 5-1.205 of Chapter 1 of Title 5 of the Plumas County Code is hereby amended to read as follows:

Sec. 5-1.205. Exemptions.

A license shall not be required for an itinerant vendor participating in any of the following events with the authorization of the event organizer:

- (a) An outdoor festival operating with a festival license issued in accordance with Chapter 6.
- (b) Any authorized activity which is undertaken completely within the boundaries of the Plumas County Fairgrounds.
- (c) Art fairs formally recognized by the Board.
- (d) Farmers markets formally recognized by the Board.

The license exemption provided by this section shall not exempt a vendor or peddler from any other requirements of local or state law, including, without limitation, collection of applicable sales tax, compliance with requirements for weights and measures, and any applicable public health requirements related to food sales.

Section 8. Section 5-1.206 is hereby added to Chapter 1 of Title 5 of the Plumas County Code:

Sec. 5-1.206. Exceptions.

The license requirements of this article shall not apply to persons selling products where the proceeds are to be used for recognized charitable or public purposes provided the person who obtains such proceeds from sales receives no part thereof for his or her services.

Section 9. Section 5-1.207 is hereby added to Chapter 1 of Title 5 of the Plumas County Code:

Sec. 5-1.207. Authorization from property owner.

It shall be unlawful for an itinerant vendor or peddler to conduct business on any property without having in his or her possession the written authorization of the property owner.

Section 10. Effective and Operative Date; Publication.

This ordinance shall be effective 30 days after adoption, with an operative date of August 12, 2010. Within 15 days of adoption, this ordinance shall be published in the Feather River Bulletin, a publication of general circulation serving Plumas County.

Introduced at a regular meeting of the Board of Supervisors on the 6th day of July, 2010, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 13th day of July, 2010, by the following vote:

AYES: Supervisors: Swofford, Simpson, Meacher, Olsen & Thrall
NOES: Supervisors:
ABSENT: Supervisors:



Chairman, Board of Supervisors

ATTEST:



Clerk of the Board, DEPUTY