San Mateo County Ordinance Code

Chapter 5.04 BUSINESS LICENSES GENERALLY

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5.04.010 Deputies. Whenever, by the provisions of this part, power is granted to a public officer or a duty imposed upon such officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided. (Prior code § 5100.0; Ord. 1181, 09/11/56)

5.04.020 License required. A license shall be procured immediately before the commencement, operation or maintenance of any business or occupation liable for license fees as required in title 5 of this part from the Tax Collector of this County, which license shall authorize the party obtaining same to transact the business described in such license for the

period named therein, in the unincorporated areas of this County. (Prior code § 5100.1; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.030 Separate business. (a) Different Types. If any person shall engage in, conduct, manage or carry on, at the same time, more than one of the businesses defined and referred to in this part, such persons shall be deemed to be engaging in, conducting, managing, and carrying on each such business separately and apart from the other such business, and such person shall comply in all respects with the provisions of this part relating to each such business. (b) If the same type of business is carried on by the same person at more than one location, a separate license shall be required for each location.
(Prior code § 5100.2; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.040 Business confined to location specified. When a license specifies the location of the business licensed, the licensee may conduct such business only at the same address specified in the license. (Prior code § 5100.3; Ord. 1181, 09/11/56)

5.04.050 Fictitious names. A license may be issued pursuant to this part to a corporation duly authorized to transact business in this State, or to a person under a fictitious name who has complied with all the provisions of chapter 5 of division 7 of the Business and Professions Code sections 17900, 17930 of this State or any statute superseding or taking the place of such code section. Otherwise all such licenses shall be issued in the true name of the individual or individuals applying therefor. Except as above provided, no business so licensed may operate under any false or fictitious name. (Prior code § 5100.4; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.060 False statements. Every person who makes any false statement in any application for a permit or license under this part or in any report required by this part, is guilty of a misdemeanor. (Prior code § 5100.5; Ord. 1181, 09/11/56)

5.04.070 Misdemeanor to do business without license. Every person who engages in, conducts, manages, or carries on any business for which a license is required by this part without first having procured the required license and having paid the fee for such license as in this part provided, is guilty of a misdemeanor. (Prior code § 5100.6; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.080 Illegal occupations. A license granted pursuant to this part does not permit any occupation or activity of any kind which is prohibited by this, or any other ordinance, or by any State statute, law, rule, order or regulation. (Prior code § 5100.7; Ord. 1181, 09/11/56)

5.04.090 Delinquent dates."Delinquent Date" means: (a) February 1 in the case of all annual licenses. (b) Thirty days after the expiration date in the case of all semi-annual or quarterly licenses. (c) In the case of a newly established business for which a license is prescribed, the 31st day after the commencement of the operation of the business or other activity for which the license is required, if such date is later than those above specified. (d) In a case where this part is amended so as to require a license from a business not theretofore licensed, the 61st day after the effective date of such amendment. (Prior code § 5100.8; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70)

5.04.100 Penalties. If any fee required by this part is not paid prior to the delinquency date, in addition to such fee, the applicant shall pay a penalty equal to one-fourth of the fee. (Prior code § 5100.9; Ord. 1181, 09/11/56)

5.04.110 Form of application. Every application for a license required by this part, unless otherwise provided, shall be signed and verified by the applicant and shall contain:
(a) The name and address of the applicant.

(b) If the applicant is a corporation, the name and address of an officer who is duly authorized to accept the service of legal process. If the applicant is a partnership, all partners must sign the application and, when required, must be fingerprinted.
(c) Business or undertaking for which application for license is filed.
(d) Location of business or undertaking.
(e) Description of building in which business is to be.
(f) If no fixed place of business, general description of area where applicant intends to carry on business or undertaking, and general description of method of doing business.
(g) Type of business. (Prior code § 5101.0; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70; Ord. 3113, 06/16/87)

5.04.120 Filing of application. Every person desiring a license to conduct any business, occupation or other act provided in this part, except as otherwise provided for in this part, shall file an application with the Tax Collector upon a form to be provided by the Tax Collector, and at such time pay the required fee and penalty, if any. (Prior code § 5101.1; Ord. 1181, 09/11/56)

5.04.130 Action on application. Upon receipt of an application for a license and payment of applicable fees, the Tax Collector shall send a copy thereof to the License Board, together with a statement that any fee required under this part has been paid. (Prior code § 5101.2; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.140 License board. The License Board is hereby created and shall consist of three members, to-wit:
(a) A Deputy Sheriff to be designated by the Sheriff;
(b) One member of the Community Health Division to be designated by the Director of the Health System; and
(c) One member of the staff of the Planning Commission, to be designated by the Planning Commission or Director. (Prior code § 5102.0; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87; Ord. 4438, 09/09/08)

5.04.150 Compensation. The members of the License Board shall receive no additional compensation but all time spent by them while so serving shall be deemed time spent by them in the performance of their other County duties. (Prior code § 5102.1; Ord. 1181, 09/11/56)

5.04.160 Rules and regulations. The License Board may make rules and regulations not contrary to this or any other ordinance or law, governing its own business and proceedings before it, subject to the approval of the Board of Supervisors. (Prior code § 5102.2; Ord. 1181, 09/11/56)

5.04.170 Referral by license board. Upon receipt of any application for license, the License Board may refer the application to any department of the County it deems necessary for investigation and report. (Prior code § 5102.3 Ord. 1181, 09/11/56)

5.04.180 Granting or denial of license. Unless otherwise provided, the License Board, after reviewing the application, may grant or deny any license; provided, however, no license shall be denied unless the License Board notifies the applicant in writing that it intends to deny the license, and reasons therefor, and that applicant may request a hearing before the License Board within five (5) days after receipt of such notice. If applicant requests such hearing, the License Board shall conduct a public hearing not less than five (5) days nor more than fifteen (15) days after request for hearing is filed. At such hearing, the License Board shall hear the applicant who may present any facts to show why the license should be granted, and shall also hear and consider testimony and other statements of other persons who may present reasons why the license should or should not be granted. (Prior code § 5102.4; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.190 Decision after hearing. At the close of the hearing or at any time within thirty (30) days thereafter, the License Board shall determine from the facts produced at the hearing and from any other facts in its possession whether the license should be granted, and shall make its order accordingly. The License Board may make its order conditional upon the licensee or applicant doing or not doing any act, either personally or through his servants or agents, which the License Board or such other body deems for the public good. (Prior code § 5102.5; Ord. 1181, 09/11/56)

5.04.200 Notice. Unless the License Board announces its decision at the close of the hearing, it shall notify the applicant or licensees thereof by first class registered mail, postage prepaid, return receipt requested. (Prior code § 5102.6; Ord. 1181, 09/11/56)

5.04.210 Grounds for denial of license. The License Board shall deny any application for a license if, after a public hearing, it finds:
(1) That the business, occupation or activity sought to be licensed has been, will be, or is apt to become either:
(a) Prohibited by any local ordinance or by any State or Federal law, rule or regulation; or
(b) A public nuisance (as defined by either the California Civil Code or Penal Code);
(2) That such applicant, or any agent or employee of the applicant who acted under the direction and control, or with the knowledge and consent, of such applicant, has done one or more of the following:
(a) Has within the last five years been convicted of violating or has been found by the License Board to have violated any of the provisions of this part, or any regulation imposed pursuant thereto, or of any law, rule, order or regulation of the United States of America, the State of California, or this County, now or hereafter in force, regulating the occupation or other activity for which the license is to be (or was previously) issued;
(b) Has previously obtained a license by fraud or misrepresentation;
(c) Has been guilty of fraud, false advertising, or other misrepresentation, uttering misleading statements, or dishonesty;
(d) Has knowingly made a false statement in a material matter either in his application or in his testimony before the Board. (Prior code § 5103.0; Ord. 1181, 09/11/56; Ord. 2488, 03/14/78; Ord. 3113, 06/16/87; Ord. 3301, 03/12/91)

5.04.220 Real party in interest. The License Board may examine under oath any applicant to determine who is the real party in interest in the business, occupation or exhibition for which a license is sought. If the License Board finds that the application is not in the interest of the person in whose name the application is made, it may deny the license. If the License Board finds that the application is in the interest of one whose license has been revoked or who has been refused a license, it may treat the application as though made by the real party in interest. (Prior code § 5103.2; Ord. 1181, 09/11/56)

5.04.230 Appeal from order denying or granting license. Within five (5) days after receiving notice of denial of license by the License Board, applicant may appeal decision of License Board by filing a notice of appeal with the Board of Supervisors. Any other person may appeal the granting of a license by filing a notice of appeal with the Board of Supervisors within fifteen (15) days after the granting thereof. The Board of Supervisors shall hold a hearing within thirty (30) days after receiving said notice of appeal, at which hearing the Board shall hear such facts as may be presented by the appellant to show why the license should be granted or denied, as the case may be. The Board of Supervisors shall also hear testimony and statements of other persons who may attend the hearing and present reasons why the license should be granted or denied. At the close of the hearing, or at any time within thirty (30) days thereafter, the Board of Supervisors shall determine from the facts produced at the hearing whether the decision of the License Board should be upheld, modified, or reversed. Unless the Board of Supervisors announces its decision at the close of the hearing, it shall notify the applicant by first-class registered mail, postage prepaid, return receipt requested. Any other person

requesting notification of said decision shall be so informed by first-class mail. If the decision of the Board of Supervisors is to modify or reverse the decision of the License Board and grant the license, the Clerk of the Board of Supervisors shall notify the Tax Collector to issue the license to the applicant upon such terms and conditions, if any, the Board of Supervisors may order. (Prior code § 5103.3; Ord. 1181, 09/11/56; Ord. 2025, 02/10/70; Ord. 3113, 06/16/87)

5.04.240 Retention of license fee. In the event of denial of license or withdrawal of application by applicant, the following sums shall be retained by the County to cover costs to the County of processing and investigation of application:
(a) If the license fee for the term specified herein is $10.00 or less, the whole of said fee.
(b) If the license fee for the term specified herein is more than $10.00, the sum of $10.00 plus 25% of the license fee in excess of $10.00
Any part of the license fee remaining after such deduction shall be returned to the applicant. (Prior code § 5103.4; Ord. 1181, 09/11/56)

5.04.250 Issuance of license. Upon receiving the order granting a license from the License Board or from the Board of Supervisors, the Tax Collector shall issue the license to applicant, subject to such terms and conditions as may be ordered. (Prior code § 5103.5; Ord. 1181, 09/11/56; Ord. 3113, 06/16/87)

5.04.260 Term of license. Unless otherwise provided, all licenses issued under the provisions of this part shall be issued for a period of one (1) year. The annual license period shall commence on the 1st day of January of each year and expire on the 31st day of December of that year. (Prior code § 5104.0; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70)

5.04.270 Pro-rating. Where a new annual license costing more than ten dollars ($10.00) per year is issued to a person who has not had such a license during the preceding yearly period, he shall pay:
(a) If issued after the first day of the ninth month of the annual period, one-fourth of the annual fee.
(b) If issued on or after the first day of the sixth month but before the first day of the ninth month of the annual period, one-half of the annual fee.
(c) If issued on or after the first day of the third month but before the first day of the sixth month of the annual period, three-fourths of the annual fee.
If a license is issued after the beginning of any such three month period, a pro rata reduction shall not be made. (Prior code § 5104.1; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70; Ord. 3113, 06/16/87)

5.04.280 Licenses for less than one year. Whenever, by the provisions of this part, any license shall be issued for a term of less than one year, the term of said license shall commence on the date of issue of said license. (Prior code § 5104.2; Ord. 1181, 09/11/56)

5.04.290 Renewal fee. Unless otherwise provided by this part, any person desiring to renew a license shall pay the required fee on or before the expiration date of his existing license. Unless otherwise provided, renewal fees shall be the same as the annual license fee. (Prior code § 5105.0; Ord. 1181, 09/11/56)

5.04.300 Renewals continued. Except as otherwise provided in this part, every licensee who has obtained a license pursuant to the provisions of this part may obtain from the Tax Collector a renewal of such license without referral of the application to the License Board unless either the License Board, the Board of Supervisors, or the Sheriff has recommended that said license should not be renewed, or where proceedings for the revocation of said license are filed or pending. If any of the names, statements, or other matters set forth in the application have changed since the filing of said application, they shall be corrected by the filing of a new

application. Any requirements such as fingerprinting shall be met before the renewal is issued. (Prior code § 5105.1; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70; Ord. 3113, 06/16/87)

5.04.310 Procedure where recommendation against renewal. In the event the Sheriff, the Board of Supervisors or License Board has recommended that such license not be renewed, licensee shall, if he desires to obtain a renewal of said license, file an application therefor with the Tax Collector, and the same procedure shall be followed as provided for an original application for license. (Prior code § 5105.2; Ord. 1181, 09/11/56)

5.04.320 Procedure where revocation proceedings pending. In the event proceedings for revocation of a license are filed or pending, no renewal of said license shall be granted during the pendency of said proceedings. If upon such hearing it is decided not to revoke such license, or if such proceedings are dismissed, then licensee may obtain a renewal of said license in the manner provided in section 5.04.220, except that no delinquency penalty shall be charged licensee if said renewal is obtained within five (5) days after the dismissal of the revocation proceedings, or a finding by the Board of Supervisors that said license should not be revoked. (Prior code § 5105.3; Ord. 1181, 09/11/56)

5.04.330 Transfers in general. Unless otherwise specifically allowed herein, no license issued pursuant to this part shall be transferred from one person to another person or from one location to another location. (Prior code § 5106.0; Ord. 1181, 09/11/56)

5.04.340 Partnership. If a license is issued to a partnership, corporation, or association and the partnership is changed by the addition of new partners or the license transferred to a partnership, the license may be transferred to the new partnership if the new partnership makes application for such transfer in the same manner as for a new license and pays to the license collector a transfer fee of ten dollars ($10.00). Any new partners must be fingerprinted if such is required of the original applicants. (Prior code § 5106.1; Ord. 1181, 09/11/56; Ord. 2042, 04/28/70)

5.04.350 Lost license. Where, from such evidence as he sees fit to require, the Tax Collector finds that a license has been lost, he shall issue a duplicate license to the holder thereof upon payment to him of one dollar ($1.00). (Prior code § 5106.2; Ord. 1181, 09/11/56)

5.04.360 Right to revoke and suspend. Every license granted under this part or any section thereof is granted and accepted by all parties with the express understanding that the Board of Supervisors may hold a public hearing, notice of the time and place of which shall be given to the licensee at least five (5) days prior thereto, and that if, after such hearing, said Board finds that any grounds for revocation exist, the said Board may revoke such license, and that pending such hearing and decision, the Board of Supervisors may suspend such license for not more than sixty (60) days. (Prior code § 5107.0; Ord. 1181, 09/11/56)

5.04.370 Grounds for revocation. A license may be revoked on any one or more of the grounds upon which a denial of such license would be authorized pursuant to section 5.04.210 of this code, and pursuant to the procedure herein provided for the denial of a license as set forth in sections 5.04.140 through 5.04.200 herein. (Prior code § 5107.1; Ord. 1181, 09/11/56; Ord. 2488, 03/14/78)

5.04.380 Forfeiture of fee. On revocation of the license, no part of the license fee paid shall be returned, but the said license fee shall be forfeited. (Prior code § 5107.2; Ord. 1181, 09/11/56)

5.04.390 Notice to tax collector. The Clerk of the Board shall give notice of such revocation to the Tax Collector. (Prior code § 5107.3; Ord. 1181, 09/11/56)

5.04.400 New license. When a license of any person is revoked for cause, no new or other license shall be granted to the same person within six (6) months after such revocation. (Prior code § 5107.4; Ord. 1181, 09/11/56)

5.04.410 Fixed place of business. Every person having a license under the provisions of this part and conducting, managing or 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 said place of business. (Prior code § 5108.0; Ord. 1181, 09/11/56)

5.04.420 Itinerants. Every person having such license and not having a fixed place of business shall carry such license with him at all times while carrying on the business or occupation for which the same was granted. (Prior code § 5108.1; Ord. 1181, 09/11/56)

5.04.430 Exhibition on request. Every person having a license under the provisions of this part shall produce and exhibit the same whenever requested to do so by any official authorized to issue, inspect or collect licenses. (Prior code § 5108.2; Ord. 1181, 9/11/56)