

ORDINANCE NO. 161

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADDING A NEW CHAPTER 5.20 TO TITLE 5 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, ESTABLISHING A BUSINESS REGISTRATION PROGRAM

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. Code Amended

Title 5 of the Town of Yucca Valley Municipal Code is amended by adding thereto a new Chapter 5.20 to read as follows:

“Chapter 5.20. Business Registration Certificate.

SECTIONS:

- 5.20.010 Purpose
- 5.20.020 Definitions
- 5.20.030 Claim of exemption
- 5.20.040 Fees
- 5.20.050 Issuing Authority
- 5.20.060 Application
- 5.20.070 Approval for Issuance
- 5.20.080 Term of Certificate
- 5.20.090 Display of Certificate.

5.20.010 Purpose.

A. This chapter is enacted for the purpose of providing an inventory of commercial activities conducted within the Town; a method of determining compliance with safety regulations imposed on commercial activities within the Town; and a mechanism whereby owners of commercial activities can be identified and notified by Town Officials.

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 Town without concurrently having a valid Business Registration Certificate from the Town.

C. Notwithstanding the provisions of this Chapter, proposed activities shall be subject to Zoning Regulations.

5.20.020 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 Town.
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, limited liability companies, syndicates, joint stock corporations, partnerships, club, common law trust, or society.

5.20.030 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 Town 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 Town 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.

C. Upon proper showing contained in a signed statement, the Town Clerk, or his/her designee, will determine whether the person is entitled to the claimed exemption.

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

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

A. An application fee based upon the Town’s costs in processing applications; payable at the time of the application.

B. A certificate renewal fee based upon the Town’s cost in processing the renewal application; payable at the time of the application.

5.20.050 Issuing Authority. The Town Clerk is the Issuing Authority for a Business Registration Certificate.

5.20.060 Application.

- A. The Town Clerk shall prepare and have available, application forms calling for such information as is necessary to accomplish the purposes of this Chapter.
- 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 Town Clerk.
- E. If the application is submitted by an agent, the agent shall file (with the application) a written statement that the principal has authorized the agent to apply for the certificate on the principal's behalf.
- F. In the event 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, limited liability company, 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; and
 2. the place where such commercial activity is to be carried on, and if the same is not 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.

5.20.070 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 Town.

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

5.20.090 Display of Certificate.

A. Posting of Certificate. Every person carrying on a commercial activity at a fixed place of business within the Town 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 Town 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 Town shall produce and exhibit the certificate whenever requested to do so by any officer or employee of the Town.

SECTION 2: Notice of Adoption. Within fifteen (15) days after its adoption, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the California Government Code.

SECTION 3: Effective Date. This ordinance shall become effective thirty (30) days from the date of its adoption.

ADOPTED by the Town Council and Signed by the Mayor and attested by the Town Clerk this 27th day of January, 2005.

/s/ Chad Mayes

MAYOR

ATTEST:

/s/ Janet M. Anderson

TOWN CLERK

APPROVED AS TO FORM:

/s/ Naomi Silvergleid
TOWN ATTORNEY

APPROVED AS TO CONTENT:

/s/ Andy Takata
TOWN MANAGER

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 161 as duly and regularly introduced at a meeting of the Town Council on the 6th day of January, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 27th day of January, 2005, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Luckino, Neeb and Mayor Mayes

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 31st day of January, 2005.

(SEAL)

/s/ Janet M. Anderson
Town Clerk of the Town of
Yucca Valley