

**TITLE VIII - BUSINESS LICENSES, FRANCHISES**

**AND MUNICIPAL SOLAR UTILITY PROGRAMS**

**DIVISION 1**

**BUSINESS LICENSES**

**Chapter 1 - Business Licenses**

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- § 811-25. [Repealed by Ord. 2660, § 2, 11/17/20]
- § 811-26. [Repealed by Ord. 2660, § 2, 11/17/20]
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**811-1. Required Approval Prior to Issuance of Licenses.**

Every business required to have a license under the provisions of this chapter shall make an application on forms designated by the License Administrator. Each application for a new business license pursuant to the provisions of this chapter must be approved by each of the following departments: Humboldt County Department of Environmental Health, Humboldt County Department of Public Works, Humboldt County Planning Department, Humboldt County Building Department, Humboldt County Sheriff's Department, and the Chief of the Fire Department within whose jurisdiction the enterprise will be located (Permitting Departments) and if applicable, the requirements of Business and Professions Code section 16100.3. For each application made hereunder the License Administrator shall collect fees as detailed in section 811-3 when application is made. No new business licenses shall be issued until the approval of the Permitting Departments is obtained. (Ord. 587, § 1, 2/7/67; Ord. 1704, § 1, 9/3/85; Ord. 2660 § 2, 11/17/2020)

**811-2. License Administrator and Duties.**

(a) The Treasurer-Tax Collector of the County of Humboldt shall be the License Administrator and shall be responsible for coordinating approvals from each Permitting Department as necessary for the type of business license requested by an applicant.

(b) The License Administrator will make diligent inquiry to all persons or entities in the county required to obtain a license pursuant to the chapter and shall have the power to determine the merits of applications. Action may be taken pursuant to section 811-17 against any person or entity required to take out a license who fails, neglects or refuses to take out such license.

(c) The issuance of a business license by the License Administrator shall not entitle the holder to transact or to carry on any business called for by the license unless the licensee has complied with all requirements of this chapter and any other applicable federal, state, or local regulations pertaining to such business.

(d) No business license issued under the provisions of this chapter shall be construed as authorizing or the waiving by the county of the enforcement against the conduct or the continuance of any illegal or unlawful business or activity.

(e) Personal information collected for purposes of issuing a business license shall be confidential, shall not be available to the public for inspection, and shall not be disclosed except as required to administer the business license program or comply with a judicial warrant, subpoena, or court order. (Ord. 8, §§ 21, 23, 3/2/1885; Ord. 2660 § 2, 11/17/2020)

**811-3. Payments of Application and License Fees.**

All application and license fees shall be paid in advance for the term of the license provided and deposit collected at the time the application is submitted to the License Administrator. All application and license fees shall be deposited by the License Administrator. Current application and license fees are set forth in this division and the corresponding county adopted fee schedule. (Ord. 2660 § 2, 11/17/2020)

**811-4. License Period and Transferability.**

(a) Any business license issued pursuant to the provisions of this division shall remain in force for the period of one (1) year.

(b) No business license granted or issued under any provisions of this chapter may be transferred in any manner. A change in ownership or location of a business requires reapplication and payment of application and license fees. (Ord. 2660 § 2, 11/17/2020)

**811-5. Display of License.**

Every person or business having a license issued under the provisions of this chapter shall keep such license posted and exhibited in a conspicuous part of any premises used for said purpose. Where any vehicle, pushcart, wagon, automobile or truck is used for peddling, there shall be attached thereto, or in the possession of the driver or operator thereof, a duplicate of said license. The original and/or all duplicates of any license issued shall be produced and exhibited whenever a renewal, assignment or transfer thereof is required, or whenever requested to do so by any person authorized to issue or inspect the same or to collect any fee therefore. (Ord. 2660 § 2, 11/17/2020)

**811-6. License Required.**

(a) All businesses require a physical base of business, including a mobile business or peddling business. If the business is based from a residence or commercial space that is not located in unincorporated Humboldt County proof of an existing business license issued from the agency that licenses the physical base of operation must be provided. Proof of an insurance policy covering business operations in unincorporated Humboldt County is required.

(b) All persons and entities under contract or agreement with the county or public entity for which the Board of Supervisors is the governing body must have a valid Humboldt County business license or a State of California license or exemption which releases that person or entity from local business license requirements.

(c) The fact that a person or entity represents they are engaged in, or exhibits any sign or advertising for, a business for which a business license is required shall be substantial evidence the person or entity is in fact engaged in that business. (Ord. 2660 § 2, 11/17/2020)

**§ 811-7. Denial of License.**

(a) An application may be denied if the License Administrator or any Permitting Department determines, based on substantial evidence, that the applicant for a business license has applied for the license by misrepresentation, refused to complete all portions of the license application, or has failed to comply with one or more of the specific provisions of this chapter or any other county ordinance or state requirement.

(b) An application may be denied if the License Administrator or any Permitting Department determines, based upon substantial evidence, that the applicant has not obtained or does not currently hold each and every one of the prerequisite approvals, or alternatively, that the application did not identify certain required prerequisite approvals which the applicant does not have. (Ord. 2660 § 2, 11/17/2020)

**§ 811-8. Revocation of License.**

(a) A business license may be revoked if the License Administrator determines, based upon substantial evidence, that the holder of a license has obtained the license by misrepresentation or has failed to comply with one or more of the specific provisions of this chapter.

(b) Furthermore, a business license may be revoked if the license administrator determines, based upon substantial evidence, that the licensee has not obtained or does not currently hold each and every one of the prerequisite approvals, or alternatively, that the licensee did not identify, on the application, certain prerequisite approvals that the licensee does not have. (Ord. 2660 § 2, 11/17/2020)

**811-9. Appeal Process.**

Within ten days of the notice of the denial or revocation of a business license, the applicant or holder may request in writing a hearing with the License Administrator. The applicant shall file a written request for a hearing which states the specific grounds on which the revocation or denial of the license is contested. Within ten days of the date of the notice of the License Administrator's decision after the hearing, the applicant may appeal the decision of the License Administrator to the County Administrative Officer by filing a notice of appeal stating the grounds for appeal with that office. (Ord. 2660 § 2, 11/17/2020)

**811-10. License Types.**

A business license must be obtained for the purposes below and as detailed in this chapter, for which the License Administrator shall require payment pursuant to the provisions of this chapter. (Ord. 8, § 3, 2/11/1885; Ord. 2660 § 2, 11/17/2020)

(a) **Mobile:** Any business based from a residence with no customer traffic. Additional permits may be required from the Humboldt County Planning Department.

(b) **Special:** Any businesses with a physical base and business license not located in unincorporated Humboldt County or any business that's purpose is an independent contractor for an already established licensed business. (Example: Booth space in a hair salon)

(c) **Storefront:** Any business with on-site customer traffic or commercial zoning.

(d) **Vacation Rentals:** A short-term rental arrangements of 30 days or less including all vacation rentals for occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging within the unincorporated area of the County. (Ord. 2660 § 2, 11/17/2020)

**811-11. Cannabis License Types.**

Cannabis applicants must register with the Planning Department prior to submitting a Cannabis Business License Application. Additional documents may be required. The following Cannabis business types are available for licensing:

(a) Cultivation/Processing

(b) Dispensary

(c) Transporter: for independent transportation contractors, based in unincorporated Humboldt County. Cannabis Transportation Affidavit must be completed with application.

(d) Transporter-Special: independent transportation contractors with a physical base and license **not** located in unincorporated Humboldt County. Cannabis Transportation Affidavit must be completed with application.

(e) Manufacturer

(f) Distributor/Distribution

(g) Testing

- (h) Nursery
- (i) Tourism

Cannabis Transporter Allowance in Conjunction with Cultivator License: A cultivator's business license application may include 'transporter' as type of license applied for, but approval does not allow for transport of product grown by any other cultivator, and is granted only for transport of the applicant cultivator's product. (Ord. 2660 § 2, 11/17/2020)

**811-12. Carnivals and Special Events.**

For each exhibition for pay for a caravan, carnival, menagerie, or any collection of animals, circus, or other acrobatic performance, or for any show for pay of any figures, jugglers, necromancers, magicians, wire or rope dancing, sleight of hand exhibitions or any combination thereof, or any combination thereof with any other form of amusement or entertainment, including any mechanical contrivances for the amusement of the public, shall pay the County as and for a daily special permit the sum of Twenty-five Dollars (\$25.00) per day for each and every day that the same shall be exhibited in said County. (Ord. 200, § 1, 6/25/40; Ord. 2660 § 2, 11/17/2020)

**811-13. Retail and Wholesale Establishments Quarterly Payments.**

Every person, firm, association, corporation or manager who, at a fixed place of business, sells any goods, wares or merchandise, drugs or medicine, jewelry or wares or previous metals, or butchers meat, whether on commission or otherwise (except the produce of any stock, dairy or poultry farm when sold by the producer thereof, and except such produce as is sold by auctioneers at public sale under license), shall obtain a license for each branch of such business from the License Administrator of Humboldt County and pay quarterly, in each year therefor, an amount of money to be determined by the class in which such business is placed by the said License Administrator. Such business is to be classified and regulated by the amount of the average monthly sales made in accordance with the rates specified in the county fee schedule.

(Ord. 2660 § 2, 11/17/2020)

**811-14. Public Lodging Accommodations.**

[Must all be licensed as Short-Term Lodging operations as defined in State Revenue and Taxation Code 7280 and must abide by county Transient Occupancy Tax requirements per Title VII, Division 1, Chapter 2 of county code; Ord 712-1 - 712-15]. (Ord. 587, § 1, 2/7/67; Ord. 1704, § 1, 9/3/85; Ord. 2660 § 2, 11/17/2020)

**811-15. Travelling Merchants.**

Every non-resident traveling merchant, hawker or peddler who vends goods, wares and merchandise of any kind must obtain a special license. Application and license fees for the special license are nonrefundable and shall be collected at the time the application is submitted. (Ord. 15, § 2, 4/13/1887; Ord. 2660 § 2, 11/17/2020)

**811-16. Exemptions.**

The following are exemptions from the requirement of this chapter:

- (a) No business license is required of a cafe musician as defined in Business and Professions Code section 16110.5.

(b) No business license is required of a federally chartered veterans' organizations as defined in Business and Professions Code section 16110.7 that solicit donations for the support of veterans.

(c) No business license fee that is measured by the licensee's income or gross receipts will be levied upon any nonprofit organization as defined in Business and Professions Code section 16110(b).

(d) No business license fee will be levied on an honorably discharged veteran as defined in Business and Professions Code section 16102 who is engaged in the business of hawking, peddling or vending any goods, wares or merchandise with the exceptions of spirituous, malt, vinous or other intoxicating liquor.

(e) No business license fee will be levied against any commercial traveler whose business is limited to goods, wares and merchandise sold or dealt in at wholesale in the state. (Ord. 2660 § 2, 11/17/2020)

**811-17. Violations and Penalties.**

(a) It shall be unlawful for any person or entity to violate, refuse or fail to comply with any of the provisions of this chapter. A violation of this chapter is deemed a misdemeanor. Such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed or continued.

(b) As an alternative to criminal or civil action, violations of this chapter may be addressed via administrative civil penalties as authorized in Title III, Division 5, Chapter 2 of the Humboldt County Code. The applicable administrative fines shall be \$100 for a first offense, \$200 for a second offense and \$500 for any subsequent offense.

(c) The amount of the rate fixed as the license for the transaction of such business shall be deemed a debt due to the county, and all persons, corporate bodies and association, their agents and employees, or either of them, shall for each and every violation of this chapter be responsible for payment thereof. (Ord. 8, § 16, 3/2/1885; Ord. 2660 § 2, 11/17/2020)

**811-18. Pleading Prior to Recovery.**

Upon the commencement of a trial or administrative action authorized by this chapter, the defendant is deemed not to have procured the proper license unless they either produce the business license or provide proof they did procure the business license. (Ord. 8, § 22, 3/2/1885; Ord. 2660 § 2, 11/17/2020)

- 811-19. [Repealed by Ord. 2660, § 2, 11/17/20]
- 811-20. [Repealed by Ord. 2660, § 2, 11/17/20]
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