

## Chapter 5.04

### BUSINESS LICENSES GENERALLY

#### Sections:

5.04.010 Definitions

~~5.04.020 Revenue measure~~

5.04.020 Regulatory Fee

5.04.030 Effect on other ordinances

5.04.040 License and ~~tax~~ Fee payment required.

5.04.050 Branch establishments

5.04.060 Exemptions

5.04.070 Contents of license

5.04.080 Appeal

5.04.090 Additional power of collector

5.04.100 License nontransferable— Changed location and ownership

5.04.110 Posting and keeping licenses.

5.04.120 Duplicate license

5.04.130 License Fee ~~tax~~—How and when payable.

5.04.140 Outside businesses

~~5.04.150 Pro-ratio license tax~~

5.04.1560 Rules and regulations

5.04.1670 Enforcement

5.04.1780 License tax a debt

5.04.1890 Remedies cumulative

~~5.04.200~~ 190 Effect of chapter on past actions Unexpired licenses

5.04.2010 Violation—Penalty.

#### **5.04.010 Definitions.**

As used in this chapter:

“Business” includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

“City” means the city of Amador city, a municipal corporation of the state of California, in its present incorporated form, or in any later reorganized, consolidated, enlarged or re-incorporated form.

“Collector” means the city tax collector, finance director or other city officer charged with the administration of this chapter.

“Person” includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, associations, business, or common law trusts, societies, and individuals transacting and carrying on any business in the city other than as an employee.

“Sale” includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law. (Ord. 54 § 1, 1979)

#### **5.04.020 ~~Revenue measure~~ License Fee.**

A business license fee shall charged to defray the cost of issuing of the license, administrative costs of regulating business activity, and the expense of enforcing this Chapter.

The City Council shall set the amount of the fee by resolution. The amount of the fee shall not exceed the benefit of granting the privilege of doing business or of the reasonable regulatory costs to the City of issuance of the business license, investigations of complaints, administrative enforcement, and adjudication of licensure requirements and penalties imposed under this Chapter and any other Provision of the Municipal Code pertaining to the operation of businesses within the City. This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. (Ord. 54 § 2, 1979)

#### **5.04.030 Effect on other ordinances.**

Persons required to pay a license ~~tax-fee~~ for the privilege of transacting and carrying on any business under this chapter shall not be relieved from the payment of any additional permit or license tax-fee for the privilege of required doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances. (Ord. 54 § 3, 1979)

#### **5.04.040 License and ~~tax-fee~~ payment required.**

~~There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city so to do and paying the tax-fee hereinafter proscribed or without complying with any and all applicable provisions of this chapter.~~

This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state of California. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for payment of the tax imposed by this chapter. (Ord. 54 § 4, 1979)

#### **5.04.050 Branch establishments.**

A separate license must be obtained for each branch, establishment, or separate place of business in which the business is conducted. (Ord. 54 § 5, 1979)

#### **5.04.060 Exemptions.**

Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California from the payment of such taxes as are herein prescribed.

Any person claiming an exemption pursuant to this section shall file a sworn statement with the ~~collector~~collector stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the ~~taxes~~fees imposed by this chapter.

The ~~collector~~collector shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by this chapter.

The ~~collector~~collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein. (Ord. 54 § 6, 1979)

#### **5.04.070 Contents of license.**

Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same to the collector of the city, and upon the payment of the prescribed license tax the collector shall issue to such person a license which shall contain the following information:

- A. The name of the person to whom the license is issued;
- B. The business licensed;

C. The place where such, business is to be transacted and carried on;

D. The date of the expiration of such license; and

E. Such other information as may be necessary for the enforcement of the provisions of this chapter. (Ord. 54 § 7, 1979)

**5.04.080 Appeal.**

Any person aggrieved by any decision of the collector with respect to the issuance or refusal to issue such license may appeal to the council by filing a notice of appeal with the clerk of the council. The council shall thereupon fix a time and place for hearing such appeal. The clerk of the council shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Amador City, California, postage prepaid, addressed to such person at his last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter. (Ord. 54 § 8, 1979)

**5.04.090 Additional power of collector.**

In addition to all other power conferred upon him or her, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued. (Ord. 54 § 9, 1979)

**5.04.100 License nontransferable— Changed location and ownership.**

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee to be set by resolution have a license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved; provided further, that transfer whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is

substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (Editorially amended during 2002 codification; Ord. 54 § 10,1979)

**5.04.110 Posting and keeping licenses.**

Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on. (Ord. 54 § 11, 1979) 5.04.120 Duplicate license. A duplicate license may be issued by the collector to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the collector a duplicate license fee to be set by resolution. (Editorially amended during 2002 codification; Ord. 54 § 12,1979)

**5.04.130 License tax Fee—Expiration of License; How and when payable.**

Every person transacting and carrying on a business within the city shall pay a license ~~fee~~ tax annually. Business license fee shall be paid prior to engaging in business in Amador City and shall be paid on an annual basis thereafter.

Upon Payment of a the Business License Fee, the collector shall issue a license. Business license shall expire automatically one year after the date of issuance and shall be renewed upon payment of the Business license fee. -on the first day of Januaryca in advance of business to be paid at such time and in suchThe amount of the annual Business License Fee amounts as shall hereinafter be set forth by the city council and may be adjusted from time to time by resolution.

Business License fees shall be paid to the City Clerk. (Ord. 115, 1993; Ord. 54 § 13, 1979)

**5.04.140 Outside businesses.**

Every person not having a fixed place of business within the city who engages in business within the city shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the city. (Ord. 54 § 14, 1979)

~~5.04.150 Pro-ratio license tax.~~

~~License taxes covering any operations commencing after the first day of January of any year may be pro-rated for the balance of the license period on a monthly basis. (Ord. 54 § 15, 1979)~~

**5.04.1560 Rules and regulations.**

The collector may make rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the enforcement of the provisions of this chapter. (Ord. 54 § 16, 1979)

**5.04.1670 Enforcement.**

It shall be the duty of the collector, and he or she is directed to enforce each and all of the provisions of this chapter, ~~and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the collector or the city council.~~ (Ord. 54 § 17, 1979)

**5.04.1780 License tax Fee a debt shall be treated as a debt.**

The amount of any license ~~tax~~ fee and penalty imposed by the provisions of this chapter shall be deemed a debt to the Ccity. An action may be commenced in the name of the Ccity in any court of competent jurisdiction, for the amount of any delinquent license tax. (Ord. 54 § 18, 1979)

**5.04.1890 Remedies cumulative.**

All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 54 § 19, 1979)

**5.04.200-190 Effect of chapter on past actions Unexpired licenses.**

Neither the adoption of the ordinance codified in this chapter nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect. Where a license ~~for revenue purposes~~ has been issued to any person by the city and the ~~tax fee~~ paid for the business for which the license has been issued under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license ~~tax fee~~ prescribed for the business by this chapter shall not be payable until the expiration of the term of such unexpired license. (Ord. 54 § 20, 1979)

**5.04.210 Violation—Penalty.**

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit hereinafter provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 54 § 21, 1979)



6500 Buena Vista Rd Lone, CA 95640

209-274-2237

aceswaste.com

APR - 3 2017

March 27, 2017

Ms. Joyce Davidson  
City Clerk  
City of Amador City  
P.O Box 200  
Amador City, CA 95601

Re: **Adjustment to Solid Waste and Recycling Collection Rates**

Dear Ms. Davidson:

We would like to meet with you at your earliest convenience to discuss the above referenced subject.

While all other Amador County jurisdictions have had yearly increases over the past three years, the last time solid waste and recycling rates were adjusted in Amador City was July of 2014.

We need to discuss rates that better reflect our actual cost of doing business in Amador City.

On this matter I will await your direction.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Paul Molinelli Sr.", written in dark ink.

Paul Molinelli Sr.  
President

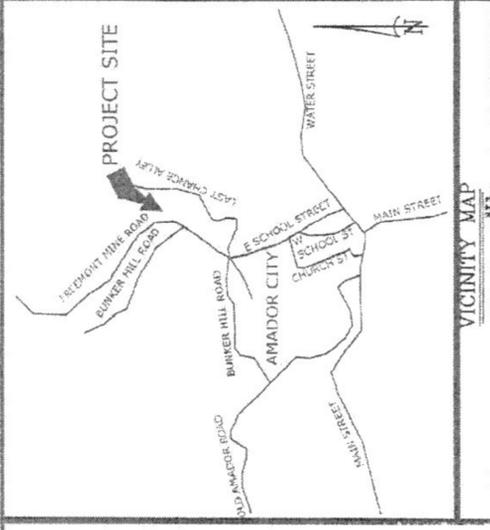
209.274.6880 Direct

209.304.7477 Cell

# TENTATIVE PARCEL MAP

## BUNKER HILL

COUNTY OF AMADOR APRIL, 2017 STATE OF CALIFORNIA  
 SHEET 1 OF 1 SCALE: 1"=100'



**OWNERS / APPLICANT**  
 PHEASANT HILL PARTNERS, LLC 1096 A  
 205 MADAWAY COURT  
 SHERBORN, CA 95685  
 (209) 548-1085

**ENGINEER**

**cta** Engineering & Surveying  
 Civil Engineering - Land Surveying - Land Planning  
 1323 Moore Lane, Suite 200, Colusa, CA 95624  
 (209) 845-1100

**MAP SCALE**  
 1" = 100'

**CONTOUR INTERVAL**  
 CONTOUR INTERVAL AS SHOWN

**SOURCE OF TOPOGRAPHY**  
 PHOTOGRAMMETRY AND CONVENTIONAL SURVEY

**SECTION, TOWNSHIP and RANGE**  
 PORTION OF THE SW 1/4 OF SECTION 25 AND THE NE 1/4 OF SECTION 36 AND THE SW 1/4 OF SECTION 30 AND THE NW 1/4 OF SECTION 31, T. 9 N., R. 7 E., M.D.B. & M.

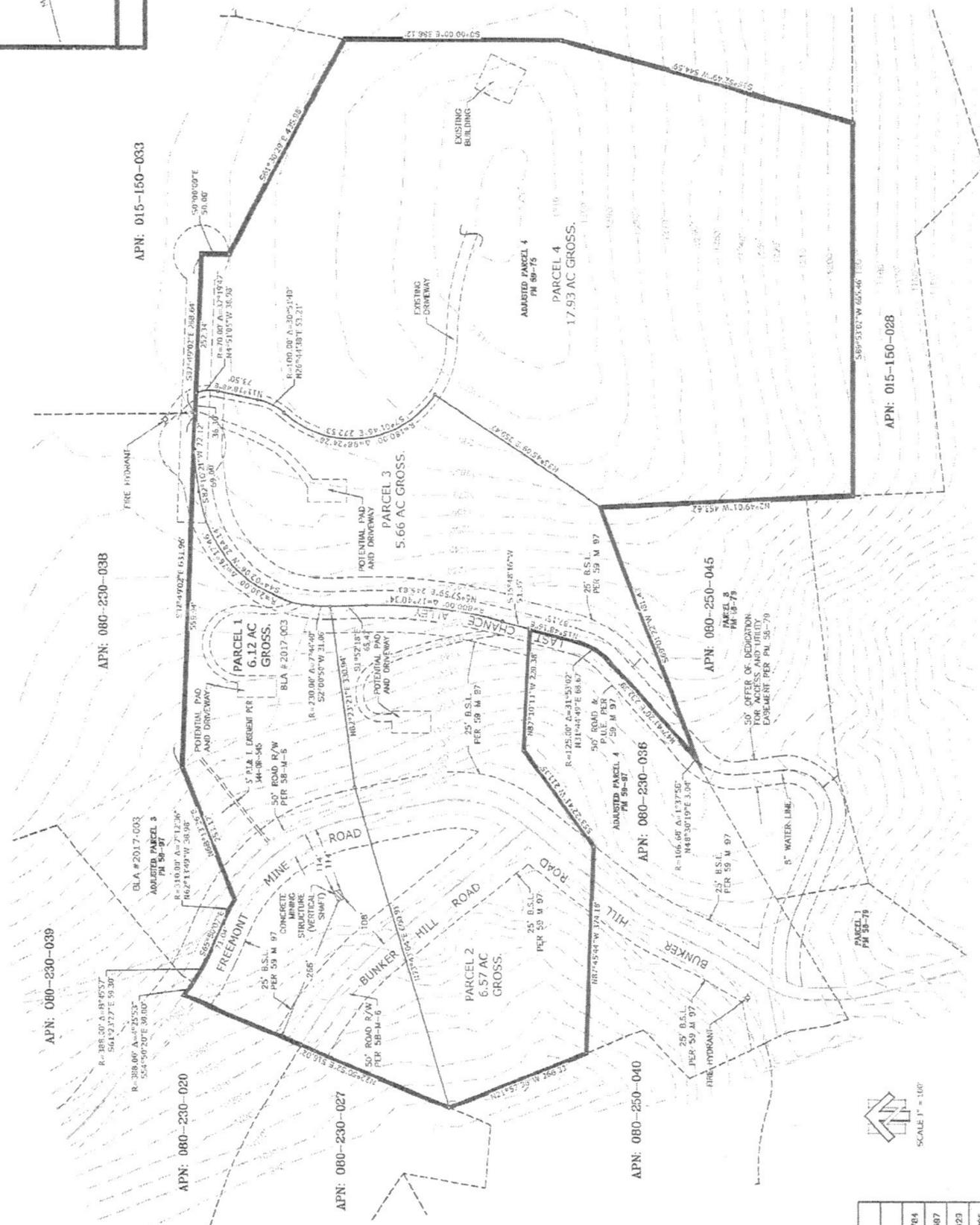
**ASSESSOR'S PARCEL NUMBERS**  
 0085-230-040

**EXISTING/PROPOSED ZONING**  
 RIA & X

**TOTAL AREA**  
 36.28 ACRES

**TOTAL NO. OF PARCELS**  
 4 (5.66 AC. TO 17.93 AC.)

**DATE OF PREPARATION**  
 AUGUST 2015  
 REVISED APRIL 2017



UTILITY REPRESENTATIVE	UTILITY REPRESENTATIVE	PHONE
PG&E	ROBERT DRY	(209) 942-1784
AT&T	SCOTT ELASSER	(209) 474-4387
DRAINAGE	AMADOR COUNTY	(209) 223-6423
AMADOR WATER AGENCY	BRANT COOK	(209) 257-5206
VOLCANO COMMUNICATIONS	JIM PLANK	(209) 796-1461
U.S.A.		(800) 224-2900

PERMITS OBTAINED: \_\_\_\_\_  
 PREPARATION DATE: \_\_\_\_\_  
 DATE OF REVISION: \_\_\_\_\_  
 PROJECT/OWNER: \_\_\_\_\_

Sign is all metal.  
Lettering is powder coated



35.643

26.222

**Subject:** Ferdani Farmhouse Market Sign  
**From:** Annette Ferdani <annetteferdani@gmail.com>  
**Date:** 3/24/2017 4:51 PM  
**To:** Joyce Davidson <cityclerk@amadorcity.net>  
Hi Joyce, attached is the image for our sign.  
Thank you!  
Annette

