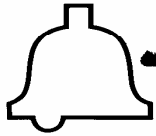


CITY OF



San Rafael

BUSINESS LICENSE INFORMATION

PURPOSE

This information guide describes the City of San Rafael's requirements regarding application for and renewal of a business license. This guide is provided as a public service to help you in establishing and conducting your business in the City of San Rafael. It is not warranted to be all-inclusive; therefore, if you have any questions you may contact the Business License Division.

GENERAL REQUIREMENTS

WHO NEEDS A BUSINESS LICENSE?

Any individual, partnership or corporation, wishing to conduct a business within the City of San Rafael must first obtain a business license. This applies whether the business is home based, mobile, "store front," located out of the City with agents working in the City, or tax-exempt.

In addition, those businesses having more than one branch must have a separate business license for each branch.

Certain types of businesses, such as pawn/secondhand dealerships, live entertainment, vehicular services, etc., require a Conditional Use Permit. To determine if you need this type of permit, call the **Planning Division**.

GENERAL REGULATIONS

In addition to the business license, you must also comply with all City, County and State regulations for zoning, building, health and safety.

CITY REGULATIONS

ZONING

To ensure that your proposed land use is compatible with the zone in which you wish to establish your business, contact the **Planning Division**.

BUSINESS IMPROVEMENT DISTRICT

The Business Improvement District (BID) was established for the benefit of businesses located in the designated "Downtown" area. Among the services provided through the City of San Rafael are promotion of business activities, promotion of public events in the area, decoration of public places and furnishing of music in any public place.

If your business is located in the BID, it may be subject to an annual BID assessment which is computed at 50% of the annual business license tax.

HOME OCCUPATIONS

Any business conducted from a residence must comply with all zoning restrictions and must be approved by the **Planning Division**.

SIGNS/SIDEWALK SALES

Signs are regulated by City Ordinance as to size, number, location and height. This ensures compatibility between signs and other structures and reduces possible detrimental effects. Contact the **Planning Division** before installing, altering or moving a new or existing sign. All signs are subject to Planning Division approval before the Building Division can issue a sign permit.

Banners are prohibited, except a new business may have a banner or temporary sign for 21 days for a grand opening.

TEMPORARY USE PERMITS

Some businesses are only temporary in nature (e.g., pumpkin and Christmas tree sales lots) and require approval of a Temporary Use Permit from the **Planning Division**. If you propose to use a tent as part of your temporary use, then the San Rafael Fire Department will also need to approve your plans.

MASSAGE/BODYWORK

Any business conducting massage and/or bodywork must obtain a permit from the **Police Department**.

PEDDLER/ITINERANT MERCHANT

Any business engaging in the activities of a peddler or itinerant merchant must obtain a permit from the **Police Department**.

TOBACCO RETAILER PERMIT

Any business which sells tobacco products or paraphernalia in the City of San Rafael must obtain a Tobacco Retailer Permit in conjunction with their business license. This permit must be renewed annually along with the business license and is not transferable between businesses or locations.

SECONDHAND SALES/PAWN BROKERS

A Secondhand Dealers License, issued through the State of California Department of Justice and approved by the San Rafael Police Department, must be obtained by a business owner prior to applying for a business license to sell, purchase or consign certain used items such as jewelry, sterling silver utensils, appliances, electronics and serialized articles. If you propose to sell other types of used merchandise which do not require a Secondhand Dealers License, you will be required to sign a Disclosure Statement. Approval of a Secondhand Dealers License and a Conditional Use Permit is required prior to the establishment of a business which pawns any item.

LARGE FAMILY DAYCARE

Large family daycare (nine (9) to 14 children or adults) and day care centers (15 or more children or adults) require prior approval of a Conditional Use Permit and the issuance of a City Business License. Please contact the **Planning Division** for specific zoning code requirements.

Through the Community Care Licensing Division of the State you will also need a "Fire Clearance" issued by the Fire Department prior to opening. Once you have your "Fire Clearance" request form, contact the **Fire Department** for an inspection.

HAZARDOUS MATERIALS

The City of San Rafael Fire Department is authorized by the State Environmental Protection Agency as a CUPA (Certified Unified Program Agency). This means that if you have, or do, any of the following you should contact the **Fire Department** to understand your permitting requirements under the State Law:

- treat onsite or generate hazardous waste
- have either above or underground hazardous material storage tanks which includes fuels like gasoline
- have any hazardous materials stored or used in your business you might fall into the requirements for Management, Response or Risk Prevention programs.

In addition to chemicals that you might normally think of, hazardous materials include things like compressed tanks, flammable liquids, waste oil, antifreeze and photo or printing chemicals.

For further information you may contact the Fire Department Hazardous Material Coordinator.

BUILDING

Before you erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the City of San Rafael, check for regulations with the **Building Division**. A permit may be required.

COUNTY, REGIONAL, STATE & FEDERAL AGENCIES

There are a few additional County agencies you may need to contact related to your new business. In addition, some State regulations may also apply to your type of business.

FICTITIOUS BUSINESS NAME

If you conduct business under a name other than your legal name, you are using a fictitious business name. Contact the **County Clerk's Office** for more information.

FOOD RELATED SERVICES

For additional requirements in the operation of retail and wholesale food sales, restaurants, lunch wagons, ice cream trucks, hotels, motels, hospitals, events featuring food or food booths, etc., contact the **Marin County Environmental Health Division**.

WEIGHTS AND MEASURES

If you will be using commercial scanning, weighing or measuring equipment in your business, contact the **County of Marin Weights and Measurements** office.

AIR QUALITY

Air quality permits are required for certain business. **The Bay Area Air Quality Management District** regulates certain types of businesses such as auto shops, service stations, dry cleaners, etc.

RESALE TAX NUMBER

Your business activity may require a Resale Tax Number (Seller's Permit). To obtain such a permit, you must apply through the **State Board of Equalization**. You may wish to contact them by telephone first to determine if your business requires such a permit.

STATE EMPLOYER I.D. NUMBER

If you have employees and withhold State Income Tax, Disability and Unemployment insurance, contact the **State Employment Development Department - Division of Audits** to obtain a State Employer Identification Number.

STATE WITHHOLDING

If you intend to have employees or to obtain a Form 540 for estimating State Withholding Tax for yourself, contact the **Franchise Tax Board**.

ALCOHOLIC BEVERAGE

If you plan to sell or serve alcoholic beverages, contact the **Alcoholic Beverage Control Board** as well as the **San Rafael Police Department Administration Bureau**.

FEDERAL EMPLOYER I.D. NUMBER

Contact the **Internal Revenue Service** for a Federal Employer Identification Number. The IRS will provide a Businessman's Kit, seminars for new businesses, additional information and forms.

MISCELLANEOUS INFORMATION

INSURANCE REQUIREMENTS

Contact your insurance agent for information about any insurance requirements for your particular kind of business, such as liability and workers' compensation.

STEPS IN LICENSING

A. The Application

You may either pick up a business license application at City Hall or request that one be mailed to you. Once you have the application packet, please read it thoroughly. All applicable sections of the application form must be completed. While a business must have a physical street address for licensing, a post office box can be used for your mailing address. When describing your business, please be specific. All ownership and taxpayer identification information must be complete. In addition to your residential information, "Emergency Contact" information is required on all commercial locations. Finally, the signature must be that of an owner, partner or corporate officer; however, a letter authorizing an agent is also acceptable.

PLEASE DOUBLE CHECK: A complete business license application packet consists of the application and other supportive information required by the City. Before submitting an application, you may need to include some or all of the following information:

1. Fictitious Business Name (copy from Marin County Clerk's Office to be attached)
2. Starting date at this location
3. Sales Tax Account number (copy showing San Rafael location to be attached)
4. Driver's license number
5. Tax ID number
6. State Contractor's License number, expiration date and classification
7. Marin County Health Department permit (copy to be attached)

B. The Business License Tax

The business license tax period is a calendar year beginning January 1st and expiring December 31st. Taxes covering new operations, commenced after the first day of January, may be prorated for the balance of the license period based on calendar quarters; the effective dates are April 1st, July 1st and October 1st. Please refer to the Business License Instruction Sheet and Tax Table attached to the application when calculating your business license tax, taking into consideration proration and penalties if they apply.

C. The Certificate

After your application, business license tax, supportive documents and related fees (i.e., B.I.D. assessment, Tobacco Retailer Permit, penalties, etc.) have been submitted to the Business License Division, the application is routed for review and approval based on

content. It is then entered into the system and a certificate generated which is mailed to the mailing address listed on the application. This process may take up to four weeks.

RENEWAL

Once you have obtained a license, a renewal will automatically be forwarded to your mailing address approximately one month prior to the expiration date. However, do not rely on receipt of the renewal notice. If you do not receive a renewal notice by January 1st, please contact the Business License Division.

PENALTY

Failure to receive a renewal notice does not relieve the business owner's responsibility in renewing the business license. Also, any person who fails to file any required statement and pay the amount of the license fee prescribed within forty-five (45) days after it becomes due is delinquent and shall be assessed a penalty of ten percent (10%) of such license tax. For each additional thirty (30) day period that the amount remains unpaid, an additional ten percent (10%) penalty shall be assessed. The total amount of penalties assessed shall not exceed sixty percent (60%) of the total original business license tax amount in any one (1) calendar year. (San Rafael Municipal Code 10.04.080)

PLEASE NOTE

All Business Licenses **must** be displayed on the premises. For those not having a fixed business address, the license must be physically carried on the person and presented upon request.

A Business License is **not** transferable. A new application is required when business ownership or location changes. Advise the Business License Division should you relocate, sell or terminate your business for any reason.

Staff are available to answer your questions during office hours between 8:30 a.m. and 5:00 p.m. Monday through Friday.

TELEPHONE NUMBERS FOR BUSINESS ASSISTANCE

CITY OF SAN RAFAEL

1400 FIFTH AVENUE
SAN RAFAEL CA 94901

Building Inspection	485-3367
Business License	485-3051
Business License Fax	485-3100
City Clerk	485-3065
Code Enforcement	485-3097
Community Development	485-3085
Fire Department	485-3300
Fire Prevention	485-3308
Hazardous Materials	485-3008
Planning Division	485-3085
Police Department	485-3196
Redevelopment	485-3383

ADDITIONAL SAN RAFAEL OFFICES

Business Improvement District PO Box 151050 San Rafael CA 94915-1050	720-5591
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San Rafael Chamber of Commerce 817 Mission Avenue San Rafael CA 94901	454-4163
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COUNTY/REGIONAL OFFICES

Bay Area Quality Management District 939 Ellis Street San Francisco CA 94109	771-6000
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Family Child Care Licensing 10 North San Pedro Road San Rafael CA 94903	499-7118
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Marin County Clerk 3501 Civic Center Drive Room 247 San Rafael CA 94903	499-6152
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Marin County Weights & Measures 1682 Novato Boulevard Room 150A Novato CA 94947	499-6700
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Marin County Environmental Health 3501 Civic Center Drive, 236 San Rafael, CA 94903-4157	499-6907
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Marin County Health & Human Services 20 N San Pedro Road Room 2028 San Rafael CA 94903	499-6970
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STATE OFFICES

Alcoholic Beverage Control 50 D Street Santa Rosa CA 95404 www.abc.ca.gov	707-576-2165
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Contractors State License Board 301 Junipero Sierra Boulevard Suite 206 San Francisco CA 94127 www.cslb.ca.gov	800-321-2752
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Department of Consumer Affairs 400 R Street Sacramento CA 95814 www.dca.ca.gov	800-952-5210
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Employment Development Department 50 D Street Suite 415 Santa Rosa CA 95404 www.edd.ca.gov	888-745-3886
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Environmental Protection Agency 555 Capital Mall Suite 525 Sacramento CA 95814 www.calepa.ca.gov	916-445-3846
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Franchise Tax Board 50 Fremont Street San Francisco CA www.ftb.ca.gov	800-852-5711
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State Board of Equalization 50 D Street Santa Rosa CA 95404 www.boe.ca.gov	707-576-2100
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FEDERAL OFFICES

Environmental Protection Agency 75 Hawthorne Street 215 Fremont Street San Francisco CA 94105 www.epa.gov	866-372-9378
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Internal Revenue Service 515 Northgate Drive San Rafael CA 94903 www.irs.gov	800-829-1040
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Service Corps of Retired Executives (SCORE) 455 Market Street Suite 600 San Francisco CA 94105 www.score.org	800-310-4357
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Small Business Administration 455 Market Street San Francisco CA 94105 www.sba.gov	744-6820
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