

**TITLE 3**  
**BUSINESS AND LICENSE REGULATIONS**

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Business Licenses Generally	1

## CHAPTER 1

**BUSINESS LICENSES GENERALLY**

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**3-1-1: PURPOSE; RESTRICTIONS:**

- A. **Generate Revenue:** This chapter is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expense required to issue the licenses for and to regulate the businesses licensed.
- B. **Illegal Businesses:** The levy or collection of a license fee upon any business shall not be construed to be a license of the city to the person engaged therein, to engage therein, in the event such business is unlawful, illegal or prohibited by the laws of the state of Oregon or the United States or ordinances of the city. (2007 Code)

**3-1-2: BUSINESS DEFINED; EXCEPTIONS:** "Business" means professions, trades, occupations, shops and all and every livelihood; but not including, however, for the purpose of this chapter, the following:

- A. Suppliers and those engaged solely in wholesale selling to licensed retailers, who do not have a place of business in the city.
- B. Any person whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary.
- C. Producers of farm products raised in Oregon, produced by themselves or their immediate families, who sell such products in the city by themselves or their immediate families.
- D. Any person transacting and carrying on any business which is exempt from a license fee by virtue of the constitution of the United States, the constitution of the state, or the laws of the United States or of the state. (2007 Code)

**3-1-3: LICENSE REQUIRED; COMPLIANCE WITH CHAPTER:** No person shall engage in business in the city without first having obtained a license therefor for the current calendar year, as herein provided, and without having first complied with any and all applicable provisions of this chapter. (2007 Code)

**3-1-4: APPLICATION FOR LICENSE:**

- A. Issuance Of License: All licenses shall be issued by the city recorder-manager upon determination that such issuance and the business for which the license is to be issued are in compliance with all applicable provisions of this code.
- B. Contents Of Application: The application for such license shall contain the following information:
  - 1. The name of the applicant, with a statement of all persons having an interest in said business, either as proprietors or owners of said business.
  - 2. The location of the place where the business is conducted.
  - 3. A description of the trade, shop, business, profession, occupation, or calling to be carried on within the city.
  - 4. Where applicable, the number of equivalent employees, rental units and trailer spaces.

5. The amount of money tendered with the application.
6. The date of the application.
7. The signature of the applicant. (2007 Code)

**3-1-5: LICENSE FEES; PAYMENT; TERM:**

- A. **Fees Set By Resolution:** All fees for business licenses shall be set by resolution of the city council.
- B. **Payment Of Fee:**
  1. The license fee required in this chapter shall be due and payable on January 1 of each year for the calendar year commencing with such date and shall be delinquent on and after the following February 1.
  2. Licenses for persons engaging in any business after January 1 in any year shall be due and payable upon such person engaging in such business and shall be delinquent if not paid within ten (10) days thereafter; provided, however, that persons engaging in any such business after July 1 of any year shall pay only fifty percent (50%) of the annual fee for the remainder of the calendar year.
- C. **Term:** The license year shall commence on January 1 in each year and shall terminate at midnight on December 31 of the same year.
- D. **Agent Of Nonresident Proprietor Responsible:** The agent of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the fee thereon as provided in this chapter, and for the penalties for failure to pay the same or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves proprietors. (2007 Code)

**3-1-6: ISSUANCE OF LICENSE; PUBLIC DISPLAY:** The city recorder-manager shall issue a license upon payment of the license fee. Every person shall keep the license on the premises where he customarily transacts or engages in business, and such license shall be publicly displayed. (2007 Code)

**3-1-7: MULTIPLE BUSINESSES:**

- A. **Separate Locations:** Each branch establishment or separate location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the license therefor provided for in this chapter. However, warehouses used solely as incidental to or in connection with a business licensed pursuant to the provisions of this chapter, and operated by the person conducting such business, shall not be a separate place of business or branch establishment.
- B. **Additional Licenses:** If any person is engaged in operating or carrying on in the city more than one business, then such person shall pay the license fee prescribed in this chapter for as many of the businesses as are carried on by such person. (2007 Code)

**3-1-8: TRANSFER OF LICENSE:** No transfer of any license provided for in this chapter shall be made without the consent of the city recorder-manager. An entry of such transfer shall be made by the recorder-manager in the record of licenses, for which entry the city recorder-manager shall charge and receive a fee set by resolution. (2007 Code)

**3-1-9: CITY AUTHORITY TO CHANGE FEES:** Nothing contained in this chapter shall be taken or construed as vesting any right in any license as a contract obligation on the part of the city as to the amount of the fee under this chapter. Other or additional taxes or fees and the fees herein provided for may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the city. (2007 Code)

**3-1-10: SUBCONTRACTORS:** All subcontractors shall be subject to this chapter and shall pay the license fee, as provided in this chapter, and they are not privileged to operate under the prime contractor's license. (2007 Code)

**3-1-11: FALSE STATEMENTS; NONCOMPLIANCE:** It is unlawful for any person to wilfully make any false or misleading statement to the city recorder-manager for the purpose of determining the amount of any license fee to be paid by any such person, or to fail or refuse to comply

with any of the provisions of this chapter, or to fail or refuse to pay, before it is delinquent, any license fee or penalty required by this chapter. (2007 Code)

**3-1-12: DELINQUENCY PENALTY:** In the event any person required by this chapter to obtain a license fails or neglects to obtain the license before it becomes delinquent, the city recorder-manager shall collect, upon payment therefor, in addition thereto, a penalty of ten percent (10%) of the fee therefor for each calendar month or fraction thereof that the license is delinquent. (2007 Code)

**3-1-13: REVOCATION OF LICENSE; HEARING:** Any license, for a limited time, may be revoked by the city council during the life of such license for the violation by the licensee of any provision relating to the license, the subject of the license, or the premises occupied; such revocation may be in addition to any fine imposed. The council shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any business license for a period not to exceed fifteen (15) days.

- A. **Hearing:** Within ten (10) days after the city officials have so acted, the city recorder-manager shall call a hearing for the purpose of determining whether or not the license should be revoked.
- B. **Notice Of Hearing:** Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be sent to the licensee by certified mail at his last known address or personally served at least five (5) days prior to the date of the hearing.
- C. **Hearing Procedures:** At the hearing, the licensee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The mayor shall preside and shall render the decision and recommendation.
- D. **Causes For Revocation:** Business licenses issued under the ordinances of the city, unless otherwise provided, may be revoked by the city council after notice and hearing as provided in subsections B and C of this section for any of the following causes:
  - 1. Any fraud, misrepresentation or false statement contained in the application for the license;

- 2. Any violation by the licensee of ordinance provisions or state law relating to the license, the subject matter of the license, or the premises occupied;
- 3. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- 4. Failure of the licensee to pay any fine or penalty owing to the city. (2007 Code)

**3-1-14: APPEAL PROCEDURE:**

- A. **Right To Appeal:** Any applicant aggrieved by the refusal of the city to issue a license or by the revocation of a license shall have the right to appeal the city's decision to the city council. Such appeal shall be requested by submitting a written request to the city recorder-manager within five (5) days of the action of the city which is appealed.
- B. **Council Consideration:** The city council shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his appeal orally or in writing. The council shall act on the appeal within seven (7) days of the hearing and shall either uphold the action of the city or shall direct the issuance of a license which the city has denied or the reissuance of a license which the city had revoked. (2007 Code)