

ORDINANCE NO. 48

AN ORDINANCE providing for licenses upon trades, shops, occupations, professions, businesses and callings for the purpose of raising municipal revenues; providing for the method of issuing licenses; providing penalties for violation thereof; repealing all ordinances or parts thereof in conflict herewith; and declaring an emergency.

THE CITY OF DETROIT ORDAINS AS FOLLOWS:

Section 1: Definitions

(a) As used in this ordinance, "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventurers, societies, and individuals transacting or carrying on any business in the City of Detroit, Oregon provided that the term "person" shall not include those individuals who regularly operate as a wholesale enterprise.

(b) As used in this ordinance, "business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit or livelihood.

(c) No person whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall, for the purpose of this ordinance, be deemed a person transacting and carrying on any business in the City of Detroit, Oregon. Any person engaged as a landlord in leasing property within the City of Detroit shall be deemed to be engaged in a business if such person leases at any

one time more than two separate rental units or parcels, whether it be land or buildings, or both, or residential or commercial or both.

(d) The agent or agents of a non-resident proprietor engaged in any business for which a license is required by this ordinance shall be liable for the payment of the fee thereon as herein provided and for the penalties for failure to pay same or to comply with the provisions of this ordinance to the extent and most like effect as if such agent or agents were themselves proprietors.

Section 2: Purposes

(a) This ordinance is enacted to provide revenue for municipal purposes.

(b) The license fees levied by this ordinance shall be independent and separate from any license or permit fees now or hereafter required of any person to engage in any business by any ordinance of the City of Detroit, Oregon, regulating any business herein required to be licensed and all such businesses shall remain subject to the regulatory provisions of any such ordinances or ordinance now or hereafter in effect and the persons engaged in all such businesses shall be liable for the payment of any license fees for which provision has been made herein.

(c) Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business within the City of Detroit, Oregon, when said business is exempt from taxation or regulation by the City by virtue of the Constitutions of the

United States or of the State of Oregon or applicable statutes of the United States or the State of Oregon.

(d) The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the City of Detroit to the person engaged therein to engage in any business which is unlawful, illegal or prohibited by the laws of the State of Oregon or of the United States or by the ordinances of the City of Detroit, Oregon.

Section 3: License fees

(a) No person having a regular place of business in the City of Detroit shall engage in such business unless he has paid an annual license fee in the amount of \$20.00 to said City.

(b) No person not having a regular place of business in the City of Detroit shall engage in such business within said City unless he has paid an annual license fee in the amount of \$40.00 to said City.

(c) No person not having a regular place of business in the City of Detroit and who is a peddler, solicitor or transient merchant shall engage in business in the City of Detroit unless he has paid an annual license fee in the amount of \$40.00 and complied fully with all other ordinances of the City of Detroit.

(d) The annual licenses for which the above fees shall be paid shall be in effect from July 1 until midnight of June 30 of each year. Said license fees shall be due and payable on the 1st day of July each year for the license year commencing with such date and shall be delinquent on and after the following first day

of August. Licenses for persons commencing to engage in any business after the last day of January of any year shall pay only 50% of the annual license fee for the remainder of the license year. This ordinance shall take effect on July 1, 19__.

(e) Where any person as defined in this ordinance or other business entity shall conduct more than one type of business he shall be required to obtain a separate license for each business operated. Persons or other business entities will be deemed to be conducting one type of business for each separate set of records or books maintained.

Section 4: Procedure for obtaining license

(a) All licenses shall be issued upon written application therefor by the City Recorder of the City of Detroit, Oregon, and not otherwise. All licenses are subject to revocation for cause by the Council at any time.

(b) Applications for business licenses shall contain the following information:

- (1) The name of the applicant, together with a list of all persons having an interest in said business, either as proprietor or owner of said business.
- (2) A description of the nature of the business to be carried on in said City.
- (3) The assumed business name, if any.
- (4) The address of the business premises or the business mailing address, if different.
- (5) The date of application.
- (6) The amount of money tendered with the application.
- (7) The signature of the applicant.

(c) No transfer of any license herein provided for shall be made without the consent of the City Council. An entry of such transfer shall be made by the Recorder in the record of licenses and the recorder shall charge and receive \$2.50 for said entry.

(d) The City Recorder shall make and keep as a part of the City's records a record of each person licensed to transact and carry on a business in the City of Detroit. Such records shall include copies of all applications for licenses, licenses issued, licenses transferred, appropriate information concerning the action of the recorder in rejecting any application for any license. All such records shall be of a public nature and open to the inspection of any person at any reasonable time, but no part of such records shall be removed from the Detroit City Hall except by authority of the City Recorder or the City Council.

Section 6.

(a) It shall be unlawful for any person to willfully make any false or misleading statement to the City Recorder for the purpose for determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse to comply with the provisions of this ordinance to be complied with or observed by such person, or to fail or refuse to pay before the same be delinquent any license fee or penalty hereby required to be paid by any such person.

(b) In the event any person hereby required to obtain a license shall fail or neglect to obtain the same before it shall become

delinquent, the City Recorder shall collect upon the payment therefor and in addition thereto a penalty of five percent of the fee therefor for each calendar month or fraction thereof that the same shall be delinquent.

(c) Nothing herein contained 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 hereunder.

Section 7. The conviction of any person for violation of any of the provisions of this ordinance shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent any prosecution in the City Court of any complaint for the violation of any of the provisions of this ordinance.

Section 8: Penalties

(a) Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Municipal Court for the City of Detroit, be punished by a fine of not more than \$200 or by confinement in the City Jail for a term not to exceed 30 days, or by both such fine and imprisonment.

(b) Every full business day during which any business activity continues to be conducted in violation of this ordinance shall be deemed a separate offense.

(c) No license shall be issued to any person hereunder if such person has, previous to making application therefor, conducting a business within the City while this ordinance was in effect without a current, valid license issued hereunder, unless such person pays

an additional amount equal to the license fee for the period during which such business was thus conducted.

(d) The remedies specified hereunder shall not be deemed exclusive and the City may at its option collect the amounts due and payable hereunder by way of business license fees from the owner or owners of the business involved by action at law in any court of competent jurisdiction in the State of Oregon.

Section 9. The provisions of this ordinance are separable and if any section, sub-section, sentence, clause, phrase or portion of said ordinance is for any reason held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. All ordinances or parts thereof of the City of Detroit which are repugnant to or inconsistent with the provisions of this ordinance are hereby repealed.

Section 11. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health, safety of the citizens of the City of Detroit, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the common council and its approval by the mayor.

PASSED by the Council and signed by me in open session in authentication of its passage this 10 day of Aug., 1971.

ATTEST: Cliff McMillan
M A Y O R

Carolyn Gardner
Recorder

APPROVED by me this 10 day of Aug., 1971.