

ORDINANCE NO 186

AN ORDINANCE PROVIDING FOR LICENSING OF COMMERCIAL BUSINESSES OPERATING FOR THE PURPOSE OF REVENUE AND REGULATION; PROVIDING THE METHODS OF ISSUING LICENSES; PROVIDING PENALTIES; AN REPEALING ORDINANCES NO. 87 AND 109.

WHEREAS, the City of Detroit finds it in the interest of the citizens of the city to review Business License requirements;

THE CITY OF DETROIT ORDAINS AS FOLLOWS:

SECTION 1: Definitions.

In this Ordinance, the word "business" means any trade, profession, occupation, calling or pursuit and other business conducted for gain or livelihood. The word "business" shall not include any corporation or organization conducted solely for charitable, religious, community or public purposes. Additional definitions of those doing business within the city are the following:

- (a) Those persons who cater to the general public by selling of merchandise, rendering professional or non-professional services.
- (b) Public utilities and businesses covered by franchise ordinances and making payments of fees under such franchises are exempted from this ordinance.
- (c) Each branch establishment of a business or a separate business conducted at different locations shall, for the purpose of this ordinance, be deemed to be separate businesses and each thereof shall be subject to the fee herein provided. If two related businesses are carried on in the same premises by the same owner or owners, one license issued in the name of the business shall be sufficient for all such activities; provided any part of the business leased and operated wholly or in part by a different person or persons must be separately licensed. Physically segregated parts of a business, the use of which part is necessary function toward the complete operation of the business, shall not be considered a branch establishment.
- (d) For the purpose of this section, no person whose income is based solely on an hourly, daily, weekly, monthly, annual wage or salary shall be considered a person transacting or carrying on a business in the City of Detroit, Oregon, and it is the intention that all license fees herein shall be borne by the employer or proprietor for the privilege of doing business in the City of Detroit, Oregon.

SECTION 2: Purpose.

- (1) This ordinance is enacted to provide revenue for municipal purposes.
- (2) 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.
- (3) 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.
- (4) The levy or collection of a license fee upon any business shall be not construed to be a license or permit of the City of Detroit, Oregon, 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 Requirements

- (1) A business license is required if the business in question is required to have a State of Oregon Professional License, a Federal Tax Employer Identification Number (EIN) or an Oregon Business Identification Number (BIN) registered to an address in the City of Detroit, Oregon.
- (2) A person representing or exhibiting a sign or advertisement that such person or persons is doing or engaged in any business for which payment is required is deemed by this ordinance to be engaged in such business and shall pay such license fee as required.

SECTION 4: Applications.

- (1) Applications for payment of the license fee shall be submitted on forms to be provided by the City Recorder. Every application shall be signed by the owner or his duly authorized agent and shall contain the following information:
 - (a) Name of person or persons owning business.
 - (b) Assumed business name, if any.
 - (c) Address of business, physical and mailing.

- (d) Nature of business as identified by the Standard Industrial Classification (SIC) Code List for the State of Oregon (attached).
 - (e) The date of application.
 - (f) The amount of money tendered with application.
 - (g) The signature of the applicant.
- (2) License fees shall be computed based on information contained in the application and no person shall knowingly sign or submit a business license application containing false information.

SECTION 5. Issuance.

- (1) All license fees herein provided shall be paid to the City Recorder, who shall issue a license to do business. If a question arises between the applicant and the City Recorder as to the classification, fee or other question, the same shall be referred to the City Council for determination.
- (2) It shall be unlawful for any person to willfully make any false or misleading statement to the City Recorder in his or their application, or to fail or refuse to comply with any of the provisions of this ordinance to be complied with or observed by such person or to fail or refuse to pay before the same shall be delinquent, any license fee or penalty hereby required to be paid by any such person or persons.
- (3) Upon a determination that a licensed activity or establishment is in violation of this ordinance or State or Federal law, the City Recorder shall notify licensee in writing that his or their license is to be revoked. The notice shall be mailed not less than thirty days prior to the date of revocation. If the violation is terminated within said thirty days, the City Recorder may discontinue the revocation proceedings at his or her discretion. A notice of revocation shall state the reason for revocation and inform the licensee of the provisions of the ordinance providing for his or their right to appeal to the council.
- (4) Upon determination that a licensed activity presents an immediate danger to life, limb or property, the City Recorder may suspend a license immediately. In addition to any other form of notice employed, a notice shall be mailed to the licensee stating the reason for suspension and his or their right of appeal to the council.
- (5) An applicant whose application has been denied, revoked, terminated or suspended shall have thirty days from the date of notice to appeal to the council. The decision of the council shall be final. If the nature of revocation has been

appealed, the revocation shall not take effect until final determination of the appeal by the council.

- (6) 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, Oregon. Such records shall include copies of all applications for licenses, licenses issued and appropriate information concerning the action of the City 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 City Hall except by authority of the City Recorder or the City Council.

SECTION 6. Display of License.

Every person or persons licensed under this ordinance who is conducting a business at a fixed place shall, at all times when such license is in force, display the same in some conspicuous place on his premises.

SECTION 7. License Fee Term.

- (1) No person having a commercial business in the City of Detroit, Oregon shall engage in such business unless he has paid an annual license fee in the amount specified in Resolution 334.
- (2) The license term shall be the twelve-month period beginning September 1st of each year and ending August 30th of the calendar year next following. Any person filing for license renewal after the due date herein described shall be charged a ten percent (10%) penalty in addition to the regular fee.
- (3) No transfer of any license herein provided for shall be made.

SECTION 8. Penalties.

- (1) Any person violating any of the provisions of this ordinance shall be punished by a fine of not more than \$300.00.
- (2) No license shall be issued to any person hereunder if such person has, previous to making application therefor, been conducting a business with the City of Detroit 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.
- (3) The remedies specified hereunder shall not be deemed exclusive and the City of Detroit may, at its option, collect the amounts due and payable hereunder by way of action at law in any court of competent jurisdiction in the State of Oregon.

SECTION 9. Emergency Clause.

An emergency is hereby declared, as the effective date of annual license renewal is September 1st. This ordinance shall take effect immediately upon passage by the council and approval of the mayor.

SECTION 10. Repeal.


Ordinances Number 87 and 109 are hereby repealed.

SECTION 11. Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which the ordinance or such portion thereof was enacted.

Passed by the Common Council of the City of Detroit this 14th day of August 2001.

Signed by the Mayor this 14th day of August 2001.



Harold M. Hills, Mayor

Attest:



Sandra K. Furbish, City Recorder