

ORDINANCE NO. 463

AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION 5.04 CONCERNING BUSINESS LICENSES.

5.04.010 Purpose. In order that business, manufacturing pursuits, trades, professions and callings may be carried on and conducted in the city in a, safe and peaceful manner, it is necessary that the same be licensed and regulated and safeguarded and that the city provide police and fire protection, street maintenance, street lighting and other services. It is necessary that license fees in such regulation defray the costs of such police and fire protection and costs of other necessary and vital municipal services. (Ord. 72A Sec. 1, 1974.)

5.04.015 Definitions.

(1) Annual Business. Conducting or operating a business as defined in section 5.04.015(1)(a) with the intent to make the business continuous and permanent, and must be in operation from a location that the business owns or has at least a one year lease or rental agreement. An intent to make the business continuous and permanent can be demonstrated by the fact that substantially all of the business assets remain at the business premises.

(2) Business, trade, profession or calling.

(a) The sale of goods, wares or merchandise; or the rendering or offering to render any and all types of services; professional or otherwise, to the public generally; or the engaging in the manufacturing, distribution or leasing of goods, wares, or merchandise; or the renting of apartments, hotel rooms, vacation rental or house, motor courts, trailer camps or cabins; or the engaging in all types of mercantile, commercial contracting, industrial, manufacturing or construction occupations, carried on for profit (whether or not a profit is actually made) or not for profit. The activity may be from or involving a business or other address within the city (including the location of rental property), or any portion of the consideration may be exchanged or received within the City. Business, trade, profession or calling shall not include ordinary labor for hire;

(b) Any person, firm, company or corporation who engages in construction activities of all types within the city as a general contractor and maintains a permanent place of business out of the city. (Ord. 72A Sec. 2, 1974; Ord. 148 Sec. 1, 1981)

(3) Door to Door solicitation. Any person, firm, company or corporation who carries goods, wares or merchandise, or offers services, from place to place, or from house to house, selling or offering the same for sale.

5.04.020 License -- Required. It is unlawful for any person, firm, company or corporation to engage in or carry on any business, trade, profession or calling, as defined in this code section, for the transaction or carrying on of which a license is or shall be required in this code section without first obtaining the business license required for such business, trade, profession or calling. No business license shall be issued to engage in a business that does not comply with local, state or federal law.

5.04.022 Holiday Business Activity. Temporary holiday businesses are allowed to operate between November 23rd and December 31st of each year. The business activity is limited to the principle activity of selling Christmas Trees. All temporary holiday businesses shall obtain a Holiday Business License. The license fee shall be the same as the annual business license.

5.04.023 Door to Door Solicitation. Door to Door solicitation shall be subject to the following regulations:

(1) Solicitation shall be prohibited at a residence which displays signage advising that solicitation is not welcome or is unwanted.

(2) Solicitation at private residences shall only occur between the hours of 10:00am and 8:00pm. There shall be no solicitation allowed on Sundays.

5.04.025 Two or more business premises; Two or more businesses on same premises.

(1) Conducting a business or businesses at two or more locations shall, for the purposes of this code section, be deemed separate businesses and are required to obtain a business license as provided for in this chapter. Except that a business that is operating within the City of Sisters and has a valid city business license may obtain a transient merchant license to sell the same items typically sold at the business's permanent location.

(2) If two or more businesses are carried on in the same premises, each must be separately licensed, regardless of how they share the facilities or manage purchases and payments. However, if the two or more businesses are related businesses and are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily used (based upon the total number of employees for each business, the sales for each business, or other metric acceptable to the City) shall be sufficient for all such business activities. Whether different business activities on the same premises are related shall be determined by staff, taking into consideration the normal and ordinary customs of similar businesses. (Ord. 148 Sec. 2, 1981)

5.04.030 License - Application - Fee - Issuance. No license shall be issued to any person, firm, company or corporation except upon written application, and the amount required for the license shall accompany the application, to the City Manager or designee, and upon approval of the application a license shall be issued to the person, firm, company, or corporation applying therefore, according to the provisions of this chapter. (Ord. 72A Sec. 3, 1974.)

5.04.040 License - Nontransferability. Every such license shall specify, by name, the person, firm, company or corporation to whom it shall be issued, and shall designate the particular place at which the business shall be carried on. No license issued under any of the provisions of this code section, shall be in any way or manner assignable or transferable, or authorize any person other than is therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted, or the business therein mentioned or named to be done or transacted at any other place than is therein mentioned or named. (Ord. 72A

Sec. 4, 1974.)

5.04.050 License - Fee. Every person, firm, company, or corporation, before engaging in or pursuing any business, trade, profession, or calling, shall obtain a license to do so, as provided in this chapter, and make the required payment for license fee in such amount or amounts to be established by City Council resolution and listed in the current adopted master fee schedule. (Ord. 72A Sec. 6, 1974.)

5.04.060 License - Expiration - Collection of Fee. All licenses issued as provided in this chapter shall expire June 30th of each year. The full amount of the annual license fee required by Section 5.04.050 shall be collected for all businesses that begin operation between July 1st and September 30th. Three-fourths (3/4) of the license fee shall be collected for any business that begins operation between October 1st and December 31; one-half (1/2) of the license fee shall be collected for any business that begins operation between January 1st and March 31st; one-fourth (1/4) of the license fee shall be collected for any business that begins operation between April 1st and June 30th of each year. The business must pay any outstanding business license fees before a new business license will be issued. (Ord. 72A Sec. 7, 1974.)

5.04.070 License -- Contents -- Display.

(1) Each license issued as provided in this chapter shall contain the name, residence and particular place of business of the licensee; the particular business, trade, profession or calling, the transaction of which is therein licensed; the date of the issuance and expiration of said license; and the amount paid for said license. Each license issued under the provisions of this chapter shall at all times be displayed in a conspicuous place in the office, store, or place of business of the licensee.

(2) Where the licensee has no office, business premise or other established place of business within the city, the license shall be in the possession of the representative of the business present within the city at all times during which business is being transacted by any employee or representative within the city. (Ord. 72A Sec. 8, 1974, amended by Ord. 148 Sec. 3, 1981.)

5.04.080 Evidence of liability. In any action brought under or arising out of the provisions of this chapter, the fact that the party, firm or corporation thereto represented himself, herself, or itself as engaged in any business or calling, for the transaction of which a license is required, or that such party advertises and/or exhibits a sign indicating such business or calling, shall be conclusive evidence of the liability of such party, firm or corporation for the license. (Ord. 72A Sec. 5, 1974.)

5.04.090 Deposit of license fees in general fund. All license fees and monies collected under and by virtue of this chapter shall be deposited and placed in the general fund of the city, and the same shall be disbursed only upon order of City Council. (Ord. 72A Sec. 11, 1974.)

5.04.105 Revocation of License. If the City Manager determines a licensed business is in violation of this code, notice shall be given to the licensee in writing and the license shall be revoked. There will be no refund of license fees.

5.04.110 City's right to increase, decrease, or reclassify license. Nothing contained in this chapter shall be taken or construed as vesting any right in the licensee as a contract obligation on the part of the city as to the amount or character of license under this chapter, and such license may be increased or decreased in any or all instances at any time by the city, and any business, trade, profession, or occupation scheduled in this chapter may be reclassified or subclassified at any time, and all license fees levied by this chapter shall be due and payable in advance. (Ord. 72A Sec. 14, 1974.)

5.04.120 License tax to be in addition to general ad valorem tax. The license fee levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter fixed or levied pursuant to law or to any other license or tax levied by any other taxing authority. (Ord. 72A Sec. 15, 1974.)

5.04.130 Violation -- Penalty. Any person, firm, company or corporation who, within the limits of the city, engages in, prosecutes or carries on any business, trade, calling or employment for gain, for which a license is required by this chapter, without first obtaining a license as provided in this chapter, or who in any manner fails to comply with any of the requirements of this chapter shall, upon conviction therefore, be fined not less than ten dollars (\$10), nor more than one hundred dollars (\$100), for each violation thereof; and, in case a license has been issued, the license may be canceled and the fee for the same shall be forfeited. (Ord. 72A Sec. 12, 1974.)

5.04.140 Additional remedies. In addition to the penalty provided for in Section 5.04.130, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgment and enforce collection therefor by execution for any license due under this chapter and may also file suit for an injunction against any person, firm, or corporation conducting any business, trade, profession, calling, or occupation scheduled in this chapter and specified until such license has been fully paid. The business shall also pay to the City all of its costs and attorney fees in any such proceeding. (Ord. 72A Sec. 16, 1974)

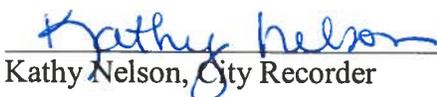
5.04.150 Appeal. Any business aggrieved by the denial or revocation of a business license shall have the right to appeal to the Sisters City Council. Such appeal shall be made by filing a written statement with the City Manager within 5 days of the action complained of, setting forth the grounds for appeal. The Council may set a time and place for hearing within thirty (30) days of receipt of the statement or may make a decision on the written appeal. Written notice of the hearing shall be sent to the appellant at the address provided on the application.

PASSED by the Common Council of the City of Sisters this 12th day of November, 2015 and APPROVED by the Mayor of the City of Sisters.



Chris Frye, Mayor

ATTEST:



Kathy Nelson, City Recorder