

## ORDINANCE NO. 432

### 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.)

#### 5.04.020 License -- Required.

(1) 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 section, for the transaction or carrying on of which a license is or shall be required in this chapter without first taking out or procuring the 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

(2) "Business, trade, profession or calling," for the purpose of this section, shall be defined as:

(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, tourist home 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 from or involving a business address within the city. This shall not include ordinary labor for hire;

(b) Any person, firm, company or corporation who carries goods, wares or merchandise from place to place, or from house to house, selling or offering the same for sale generally on a regular basis of once or more during each six (6) week period of the year, except a resident merchant who, while maintaining a permanent place of business within the city, distributes goods from house to house;

(c) One who brings a stock of goods, wares, merchandise, or musical instruments into the city, and who sells or offers to sell the same at retail without making the same a permanent and continuous business within the city, or who advertises that he is bringing to the city for sale any stock of goods, wares, or merchandise on a regular basis of once or more during each six (6) week period of the year;

(d) 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)

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

The conducting of a business or businesses at two or more locations shall, for the purposes hereof, be deemed to be separate businesses and each thereof shall be subject to the license tax provided for in this chapter. If two or more differently classified but related businesses 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 appropriated and based upon the total number of employees or other units on the whole premises shall be sufficient for all such activities; provided, any business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered. (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 recorder, and upon approval of the application by the common council, the city recorder shall issue a license 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 such license granted or issued under any of the provisions of this chapter, or otherwise, 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, vocation, or calling, shall obtain a license to do so, as provided in this chapter, and make yearly payment to the city recorder 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 licenses issued under the provisions of this chapter between July 1st and September 30th. Three-fourths (3/4) of the license fee shall be collected on all licenses issued between October 1st and December 31; one-half (1/2) of the license fee shall be collected on all licenses issued between January 1st and March 31st; one-fourth (1/4) of the license fee shall be collected on all licenses issued between April 1st and June 30th of each year. (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 the common council. (Ord. 72A Sec. 11, 1974.)

5.04.100 Examination of licensed premises by city officials. The city chief of police, health officer, their deputies, and/or any other duly authorized official of the city, are directed and empowered to investigate and examine all places of business licensed or subject to license under the terms of this chapter at any and all reasonable times, for the purpose of determining whether such place of business is safe, sanitary, and suitable for the business so licensed or for which application for license is made. In the event it is determined by any of the officers or their duly authorized agents that any such place of business is dangerous to public health, safety or likely to become a menace or nuisance, a report of such determination and the reasons thereof shall be made in writing to the common council, which shall take such action as it may deem necessary and advisable. The decision of the common council on such matters shall be final. (Ord. 72A Sec. 13 1974.)

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 tax 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.)

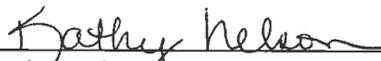
5.04.140 Additional remedies. In addition to the penalty provided for in Section 5.04.130, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgment and enforce collection therefor by execution for any license due under this chapter and may also 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. (Ord. 72A Sec. 16, 1974)

This Ordinance shall take effect thirty (30) days after its approval by the Council and signature by the Mayor.

**PASSED BY THE CITY COUNCIL** of the City of Sisters and **APPROVED** by the Mayor, this 14th day of November, 2013.

  
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Brad Boyd, Mayor

ATTEST:

  
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Kathy Nelson, City Recorder