

ORDINANCE NO. 93-0-334.E

AN ORDINANCE AMENDING ORDINANCE NO. 80-O-334, (BUSINESS LICENSE ORDINANCE), SECTION 5 (ABILITY TO CONDUCT BUSINESS - LICENSE REQUIRED - EXEMPTIONS), SECTION 7 (FEES), SECTION 8 (NON COMPLIANCE UNLAWFUL), SECTION 9 (REGULAR LICENSE TERM), SECTION 10 (LICENSE PERIOD), AND SECTION 13 (REQUIRED APPLICATION STATEMENTS - RENEWAL).

Sections:

Section 1.	Ordinance Identified.
Section 2.	Amendment to Section 5.
Section 3.	Amendment to Section 7.
Section 4.	Amendment to Section 8.
Section 5.	Amendment to Section 9.
Section 6.	Amendment to Section 10.
Section 7.	Amendment to Section 13.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 80-O-334, enacted May 30, 1980, and entitled, "An Ordinance regulating and licensing certain businesses, professions, pursuits, and occupations in the City of Brookings for regulatory and revenue purposes; fixing the fees therefor; providing for an increase or decrease of the same; fixing the penalty for violation thereof; providing for the enforcement thereof; providing certain definitions; providing for a saving clause; repealing Ordinance No. 145 to increase the business license fee to \$50.00; and declaring an emergency."

Section 2. Amendment to Section 5. Ordinance No. 80-O-334, Section 5 of the City of Brookings is hereby amended by the addition of Sections 5, Subsection F as follows:

Section 5. Ability to Conduct Business - License Required - Exemptions.

F. Sellers and purchasers of seasonally gleaned forest products such as mushrooms, wild berries, huckleberries, fern and fir boughs, cascara bark, etc., must hold a current city business license. A business license will only be issued to purchasers who transact business in conjunction with an existing commercial facility. Purchases shall be allowed either inside or outside the existing commercial structure, however, no temporary structures may be constructed to house this purchasing activity. A temporary business license will satisfy the business license requirement if the provisions of section 9 are met.

Section 3. Amendment to Section 7. Section 7 of Ordinance No. 80-O-334 shall be amended in its entirety to read as follows:

Section 7. Fees.

A. Daily fees. Unless exempted by Section 5, or unless a license has been issued under Section 6, the following listed business shall pay a daily license fee to the recorder in the amounts specified opposite the respective business:

Carnival and circus \$35.00 per day

B. Temporary 90-Day Business License Fees. Persons doing business within the City of Brookings who are seeking a temporary business license under the guidelines of this ordinance shall first file an application with the City Recorder and pay a fee of one-fourth (1/4) of the annual business license fee for their type and size of business, or \$25.00, whichever is greater.

Persons holding a temporary business license and who do business within the city beyond the 90-day license period shall be required to pay the full annual regular business license fee.

Section 4. Amendment to Section 8. Section 8 of Ordinance No. 80-O-334 shall be amended to read as follows:

Section 8. Noncompliance unlawful. It shall be unlawful for any person to carry on or transact any business as specified in this ordinance, without first paying to the City of Brookings the license fees herein imposed. Persons operating without a current business license shall be liable to pay a business license fee for their unlicensed work period, plus a \$10.00 late fee for each unlicensed month of the work period. If full payment is not made within 60 days of notice of payment due, the corrective action and possible penalties identified in Sections 22 and 23 of this ordinance may be pursued.

Section 5. Amendment to Section 9. Section 9 of Ordinance No. 80-O-334 shall be amended in its entirety to read as follows:

Section 9. Regular and temporary license terms. Annual business licenses are issued for a fiscal year running from July 1st of that year, to June 30th of the following year.

Temporary licenses, if issued, run for a continuous 90-day period starting the day of the temporary license issuance. There shall be no extension or renewal of a temporary business license during the fiscal year of issuance.

Section 6. Amendment to Section 10. Section 10 of Ordinance No. 80-O-334 shall be amended in its entirety to read as follows:

Section 10. License period. If an application is made before December 31 of the fiscal year, no license, except a temporary license or those on a daily basis, may be issued for less than a full fiscal year. Except for a temporary license, if an application is made on or after January 1 of the fiscal year to cover the period from January 1 to June 30, a license fee of one-half of the regular yearly business license fee (shown in Section 6 in the Business License Fee Schedule) shall be collected for such period or fraction thereof.

Section 7. Amendment to Section 13. Section 13 of Ordinance No. 80-O-334 shall be amended in its entirety to read as follows:

Section 13. Required application statements - Renewal.

A. Before being issued a license, the applicant shall fill out a license application form provided by the City pursuant to Section 11. The form shall require a statement in writing, signed by the applicant, describing:

1. The type of business.

2. Its name and location.

3. The telephone number of the business.

4. The fire preventative measures to be taken and/or installed about the business premises location in the City of Brookings.

5. The number and location of sanitary facilities for business invitees, customers and other persons using the business premises which facilities shall be located on the site of the business being conducted in the City of Brookings, except that transient businesses shall be exempt from this requirement.

6. Other information reasonably needed to issue a license certificate.

B. Applicants who fail to pay the license fee in full or who hold a license certificate that is revoked, expired, or ceased for any reason are required to make a new and initial application.


C. So long as a business has been continually operated without interruption through June 30th of the licensing year, upon premises for which an original license certificate was issued, persons operating said business may renew a license certificate issued to them before June 30th. If a license certificate is so renewed, the certificate holder need not make a new license application; however, new applications are necessary if there has been any break in the business or its operation upon the premises during the preceding year or if there have been any changes of circumstances necessitating a correction or amendment to the information above-required as it may vary at the time of renewal from that so stated in the prior application.

D. Businesses as outlined in Subsection C of this section must pay their renewal by July 31st of each year. Failure to make full and proper payment will result in a \$10.00 per month late fee. If full and proper payment, including late fees, is not made by September 30th of the year, the City shall refer the matter of non-payment to the city attorney for enforcement of remedies under this ordinance.

First Reading: _____ September 13, 1993
Second Reading: _____ September 13, 1993
Passage: _____ September 13, 1993

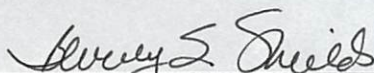
Effective Date: _____ October 12, 1993

Signed by me in authentication of its passage this _____ 14th _____ day of
_____, 1993.
September



Tom Davis
Mayor

ATTEST:



Beverly S. Shields
Finance Director/Recorder