

ORDINANCE NO. 6

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 SAVINGS CLAUSE AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

Section 1. DEFINITIONS. The term "person" as used in this ordinance shall be deemed to mean and include any person, firm, co-partnership, association, joint-venture, syndicate, society or domestic or foreign corporation. The term "business" as used in this ordinance shall be deemed to mean and include any trade, profession, occupation or pursuit of every kind conducted in the City of Brookings for gain, including but not limited to those businesses hereinafter specifically mentioned and listed. The respective terms "proprietor" and "employer" as used in this ordinance shall be deemed to mean and include any person, as herein defined, who is engaged in any "business" as herein defined. The use of any pronoun in this ordinance shall be construed as meaning and including the singular or plural thereof and the masculine, feminine and neuter gender as the case may be.

Section 2. EMPLOYEE NOT DEEMED IN BUSINESS --- PURPOSES. No person who is an employee and 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 engaged in business in the City of Brookings. It is declared that the purpose of this ordinance is that all license fees levied hereby and hereunder shall be born by the employer for the privilege of doing business in the City of Brookings; and for the regulation of such business; and for providing revenue for municipal purposes generally and to pay the necessary expenses for carrying out the provisions of this ordinance.

Section 3. AGENTS OF NON-RESIDENT PROPRIETORS. 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 payment of the license fee therefor and shall be subject to the penalties for failure to pay the same or to comply with the provisions of this ordinance to the same extent and with like effect as though such agent or agents were themselves the proprietors of such business.

Section 4. REPRESENTATIONS - ADVERTISEMENTS. Any person representing himself or exhibiting any sign or advertisement to the effect that he is engaged in any of the businesses upon which a license fee is levied by this ordinance shall be deemed to be engaged in such business and shall be liable for the payment of the license fee levied hereby or hereunder and shall be subject to the penalties for failure to pay the same or comply with the provisions of this ordinance.

Section 5. LICENSE REQUIRED --- EXEMPTIONS. No person shall engage in, prosecute or carry on any business within the limits of the City of Brookings unless or until he shall have first obtained a license therefor and shall have paid to the City of Brookings the license fee provided therefor by this ordinance, unless exempted therefrom by this or another ordinance of the City of Brookings or by the Constitution and laws of the United States of America or the Constitution and laws of the State of Oregon.

Section 6. ANNUAL FEES. There are hereby imposed upon all businesses doing business in the City of Brookings, unless exempted as provided by Section 5 hereof, annual license fees in the amounts specified opposite the respective businesses hereinafter listed:

Abstract and title insurance or escrow	\$15.00
Accountants	15.00
Advertising agencies	15.00
Antique and curio shops, art goods and myrtlewood shops	15.00
Apartments, hotels, motels, cottages, rooms, trailer coach space	
For 1 to 5 rental units	10.00
Plus \$1.00 for each rental unit in excess of 5, not to exceed a maximum fee of	50.00
Attorneys at law	15.00
Automobile dealers	20.00
Automobile accessories	10.00
Automobile storage	10.00
Automobile repair	15.00
Automobile service and gasoline	15.00
Automobile wreckers	10.00
Bakeries	15.00
Barber shops	10.00
Beauty shops	10.00
Bicycle shops	10.00
Bill posters	10.00
Bootblacks	5.00
Bowling alley	35.00
Bus stations	10.00
Canneries	15.00
Cabinet makers	10.00
Card games, per table	150.00
Chiropractors	15.00
Cleaning and dyeing	15.00
Cement and/or building material dealers	15.00
Cigar and tobacco dealers	10.00
Cold storage and/or ice	10.00
Clothing stores	15.00
Confectioners and soft drinks	10.00
Contractors	
General	15.00
Sub-Contractors	10.00
Dairies, milk dealers	15.00
Dairy products manufacturing	15.00

Dance halls	\$25.00
Dentists or dental laboratories	15.00
Dress shops	10.00
Drug stores	15.00
Dry goods	15.00
Cleaning and dyeing solicitors	35.00
Electric shops, appliances	15.00
Electric signs (neon, etc.)	15.00
Engineers	10.00
Farm machinery dealers	15.00
Feed stores	15.00
Fish stores, markets	10.00
Fishing tackle shops	10.00
Florists	10.00
Fruit and vegetable markets	10.00
Fuel dealers	10.00
Funeral directors	15.00
Furniture, new and second hand	15.00
Garages	15.00
Garage, storage	10.00
Garbage collectors	10.00
Grocery stores, business district	15.00
Grocery stores, residential district	10.00
Grocery and meat market combined	20.00
Hardware	15.00
Hospital association and/or rest homes	15.00
Jewelry and/or watch repair	10.00
Junk dealers	10.00
Laundries, self service	10.00
Laundries, delivery service	15.00
Liquified gas and appliances	15.00
Lumber manufacturing	25.00
Machine shops	15.00
Magazine stands	10.00
Meat retailers	15.00
Meat wholesalers	15.00
Moving picture theatre	35.00
Music boxes	10.00
Music stores	10.00
Nurseries	15.00
Oil burners, sales or service	15.00
Optometrists	15.00
Osteopaths	15.00
Painters or paper hangers	15.00
Petroleum products	15.00
Peddlers	25.00

(or in the alternative, the)
(daily license fee provided)
(in Section 7 hereof)

Photographers	10.00
Physicians and/or surgeons	20.00
Planing mills	25.00
Plumbing and heating	15.00
Plywood plants	50.00
Pop corn wagon or store	10.00

Poultry dealers	\$10.00
Publishers, printers	15.00
Radio service store or shop	10.00
Real estate dealers	15.00
Ready mix concrete	15.00
Restaurants	15.00
Refrigeration services	15.00
Rock crushers	15.00
Septic tank and cesspool cleaners	10.00
Second hand stores	10.00
Shoe repair	10.00
Shoe stores	15.00
Shuffle boards	10.00
Shooting galleries	20.00
Solicitors	25.00

(or in the alternative, the)
(daily license fee provided)
(in Section 7 hereof)

Tailor shops	10.00
Taxis, each	10.00
Tire shops	15.00
Tractors for lease	15.00
Truck dealers	15.00
Truckers	15.00
Upholstery	10.00
Variety stores	15.00
Veterinarians	15.00
Wholesale delivery trucks	12.00
Wood yards	5.00

Any trade, profession, calling, business or employment not otherwise classified	15.00
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Section 7. DAILY FEES. There are hereby imposed upon all of the following listed businesses in the City of Brookings, unless exempted as provided by Section 5 hereof or an annual license fee has been issued as provided in Section 6 above, daily license fees in the amounts specified opposite the respective businesses listed:

Carnival and circus	\$25.00
Peddlers	5.00
Solicitors, other than cleaning and dyeing	5.00

Section 8. NON-COMPLIANCE UNLAWFUL. It shall be unlawful for any person to carry on or transact any business as in this ordinance specified without first paying to the City of Brookings the license fee imposed by this ordinance.

Section 9. REGULAR LICENSE TERM --- 1951 TERM. The license provided for in this ordinance shall, except for the year 1951, commence with the 1st day of January and terminate with the 31st day of December of each calendar year for which the license is issued. The term of said license for the balance of the year 1951 shall commence with the 1st day of November and terminate with the 31st day of December, 1951.

Section 10. FEES FOR 1951. The license fees for the privilege of engaging in business in the City of Brookings for the balance of the year 1951, as in this ordinance prescribed, shall be one-sixth of the amount of the annual license fees otherwise prescribed by this ordinance.

Section 11. APPLICATION FOR 1951. On or before the 15th day of November, 1951, every person engaged in business in the City of Brookings shall make application to the City Recorder, upon forms to be furnished by the City, for a license to engage in such business during the balance of the year 1951, and he shall make payment of the license fee provided for in Section 10 of this ordinance.

Section 12. ANNUAL APPLICATION. On or before the 1st day of January of each calendar year following the passage of this ordinance every person engaged in business in the City of Brookings shall make application in writing to the City Recorder, upon forms to be furnished by the City, for a license to engage in such business during the calendar year for which such application is made, and he shall make payment of the annual license fee prescribed by this ordinance.

Section 13. CITY RECORDER TO KEEP RECORD. The City Recorder shall file and keep record of every application for a license made under the provisions of this ordinance.

Section 14. LICENSE CERTIFICATE. When application for a license and payment of the fee therefor have been made as provided by this ordinance, the City Recorder shall issue to the applicant a license certificate which shall evidence the applicant's privilege to engage in the business for which the application was made and the fee paid, during the calendar year for which the license shall be issued. Said license certificate, when issued, shall bear the printed signature of the Mayor and be countersigned by the City Recorder.

Section 15. REQUIRED APPLICATION STATEMENTS. The license application form to be provided by the City shall require a statement by the applicant describing the type of business for which the license is sought, the location of said business and the applicant's signature or that of his duly authorized agent.

Section 16. COUNCIL TO PRESCRIBE FORM OF CERTIFICATE. The form and wording of the license certificate to be issued by the City Recorder shall be prescribed by the City Council and it shall specify the name of the licensee, the type of business licensed, the location of said business and the amount of license fee paid.

Section 17. INVESTIGATION OF BUSINESSES. The Chief of Police and his subordinate police officers are hereby directed and empowered to investigate and examine all places of business in the City of Brookings at any and all reasonable times for the purpose of determining whether or not such business is being conducted in accordance with the terms of this ordinance.

Section 18. NON-TRANSFERABLE --- EXCEPTION. No transfer or assignment of any license issued hereunder shall be valid or permitted, except that whenever any person shall sell or transfer the whole of a business for which such license has been issued, the Vendee thereof shall, unless otherwise provided by ordinance, be allowed to engage in said business under the Vendor's license for the balance of the calendar year for which the Vendor's license was issued.

Section 19. LICENSE FOR FULL YEAR --- NOT PART OF YEAR. No license provided for in this ordinance, except those licenses provided for herein on a daily basis, shall be issued for a period less than the full calendar year for which it is issued and the full annual fee, as herein prescribed, shall be paid therefor even though a portion of said calendar year has expired at the time the application for such license is made.

Section 20. LICENSE NOT VESTED RIGHT. Nothing in this ordinance contained shall be construed as vesting in the licensee any contract right or creating any contract obligation on the part of the City as to the amount of the license fee or as to the character of the license issued hereunder, but on the contrary, it shall be construed as reserving to the City the right to increase or decrease at any time any license fee prescribed herein and to change the character of the license and the term thereof.

Section 21. FEES ARE ADDITIONAL REVENUE. The license fees fixed by and collected or to be collected under this ordinance shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law and also in addition to any and all license fees prescribed by other ordinances pertaining to or regulating specific businesses, occupations, amusements, utilities, trades and other pursuits for gain.

Section 22. PENALTY. Any person or persons, association of persons, firm, corporation or any agent or representative thereof or either of them who shall engage in or carry on a business within the corporate limits of the City of Brookings, without having first applied for a license, paid the fee therefor and obtained a license certificate in accordance with the provisions of this ordinance, shall be deemed guilty of a violation of this ordinance and shall, upon conviction thereof, be punished by a fine in a sum not less than double the amount of the license fee set by this ordinance for such business nor more than \$200.00 or imprisonment in the City jail for a period not to exceed 100 days or by both such fine and imprisonment, and no license shall be issued to any person convicted hereunder until the full amount of any fine imposed hereunder shall have been first paid.

Section 23. CONCURRENT CAUSE OF SUIT. In addition to the penalty provided in Section 22 and as separate and concurrent causes of action or suit, the City of Brookings may, in any court of competent jurisdiction, sue any person, who has or is engaged in business in the City of Brookings without having complied with this ordinance, for the amount of license fee payable hereunder; and also the City may in the same or a separate suit seek an injunction prohibiting such person from engaging in such business in the City of Brookings in violation of this ordinance; and in any such action or suit the City shall, if

it prevails, recover in addition to its costs and disbursements a reasonable attorneys fee to be set by the Court.

Section 24. SAVINGS CLAUSE. If any section, paragraph, sentence, phrase or word of this ordinance shall be held to be unconstitutional or invalid, the unconstitutionality or invalidity of such section, paragraph, sentence, phrase or word shall not affect the validity of any other portion of this ordinance, it being the intent of the Council to enact the remainder of this ordinance notwithstanding such part as may be so declared unconstitutional or invalid.

Section 25. CERTIFICATE TO BE DISPLAYED. Every person who has obtained a license as required by this ordinance for the privilege of doing business in the City of Brookings shall display the license certificate issued to him in a conspicuous place in or upon the premises where said business is conducted, except in the case of contractors, sub-contractors, cleaning and dyeing solicitors, wholesale delivery trucks, peddlers and solicitors. In the case of contractors and sub-contractors, said license certificate shall be conspicuously displayed at their principal places of business in the City of Brookings and in the case of cleaning and dyeing solicitors, wholesale delivery trucks, peddlers and solicitors, said license certificate shall be carried on the person of the licensee or conspicuously displayed in or upon any vehicle used in the conducting of such business.

Section 26. COMBINATION OF CERTAIN BUSINESSES --- MAXIMUM FEE THEREFOR. Where one person as defined by this ordinance is conducting two or more of the businesses listed in Section 6 above in the same building, the City Recorder may issue a single license certificate covering such combination of businesses and the maximum annual fee to be paid therefor by such person shall not exceed the sum of \$35.00; provided, however, that no such combination shall include, and there is hereby excepted from the operation of this section the following listed businesses whether or not the same are conducted in conjunction with any other business:

- Card table
- Moving picture theatre
- Sawmills
- Planing mills
- Plywood plants
- Apartments, hotels, motels, cottages, rooms, trailer coach space

Section 27. EMERGENCY. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 23rd day of October, 1951.

Read a second time by title this 23rd day of October, 1951.

Read a third time by title and passed by the Council this 23 day of October, 1951.

Authenticated this 23 day of October, 1951.

Robert O. Dimmick
Robert O. Dimmick, Mayor

Passed by the Council October 23, 1951.

W. Gray Shel
Recorder

