

ORDINANCE NO. 439

AN ORDINANCE PROVIDING FOR THE LICENSING OF BUSINESSES, CALLINGS, EMPLOYMENTS AND PROFESSIONS FOR THE PURPOSE OF CITY REVENUE; ESTABLISHING LICENSE FEES; AND PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: A. As used in this Ordinance "person" means all domestic and foreign corporations, cooperative corporations, associations, syndicates, partnerships of every kind, joint ventures and individuals or societies of individuals transacting and carrying on any business in the City of Canby, Oregon.

B. As used in this Ordinance "business" means any profession, trade, occupation, shopkeeper and all and every kind of calling carried on for profit or as a livelihood, not including however suppliers to retailers and those engaged solely in wholesale selling who do not have a place of business within the City of Canby, Oregon.

C. As used in this Ordinance "contractor" means any person who undertakes to or offers to undertake for a consideration to furnish labor and/or material necessary or required to construct, reconstruct, alter, repair, or add to any building, bridge, ditch, flume, reservoir, well, fence, street, sidewalk, machinery and all other structures and superstructures. The term "contractor" as used herein shall include subcontractors.

D. No municipal, county, state or federal employee or any other person employed by one engaged in business in the City of Canby, shall for the purpose of this Ordinance be deemed a person transacting or carrying on a business within the City of Canby, Oregon; provided however, that any employee or agent of a non-resident person engaged in any business in the City of Canby for which a license is required by this Ordinance shall be liable for the payment of the license fee as herein

provided, and shall be subject to the penalty for failure to pay the same, or to comply with this Ordinance, to the same extent and with like effect as if such employee or agent were themselves the person engaged in business.

Section 2: A. This Ordinance is enacted to provide revenue for municipal purposes as provided by Chapter II, Section 3, of the Canby City Charter as amended June 5, 1961.

B. Nothing in this Ordinance shall be construed so as to apply to any person, transacting and carrying on any business, which is exempt from a license tax by virtue of the Constitution of the United States, the Constitution of the State of Oregon, or the Laws of the United States or of the State of Oregon.

C. The levy or collection of a license fee and the issuance of a license shall not be construed as a permit by the City of Canby for the person to whom such license is issued to engage in any business which is unlawful, illegal, or prohibited by the Laws of the United States or the Laws of the State of Oregon, or the Ordinances of the City of Canby.

Section 3: A. All persons doing business in the City of Canby, Oregon, shall pay to the City Recorder of said City an annual license fee of \$25.00, and it shall be unlawful for any person to carry on any business in the City of Canby without first having obtained a license therefor.

B. The annual license fee shall be paid for the period commencing July 1st in any calendar year to and including June 30th of the next succeeding calendar year, excepting however that license period for this year, 1961, shall be from September 1, 1961 to and including June 30, 1962.

C. The license fee required to be paid by persons doing business in the City of Canby at the effective date of this Ordinance shall be due and payable on or before October 1, 1961; and all persons commencing to do business in the City of

Canby after the effective date of this Ordinance shall first apply for a license and pay in full the annual license fee before commencing to do business; and thereafter all license fees shall be payable in advance before the first day of July.

D. Each branch establishment of any business for the purposes of this Ordinance shall be considered a separate business and subject to the license therefor as herein provided, but a warehouse or storage building used solely in connection with the business licensed and operated by the person conducting such business shall not be considered a separate business or branch establishment.

Section 4: A. If any person be engaged in operating or carrying on in the City of Canby, Oregon, more than one trade, shop, profession, occupation, business or calling, then such person shall pay the license fee herein prescribed for as many of such trades, shops, professions, occupations, businesses or callings as are carried on by such person except as herein otherwise specifically provided.

Section 5: A. All business licenses shall be issued by the City Recorder of the City of Canby, Oregon.

B. The application for such license shall be filed with the City Recorder, and the application form shall be furnished by him, and shall contain the following information:

1. Brief description of the trade, shop, business, profession, occupation or calling carried on or to be carried on in the City of Canby.

2. The name of the owner, the name of the applicant if different from that of the owner, and his title, and the address of such persons.

3. The address of the principal office of such business; and in cases of corporations the state of incorporation.

4. The location of the place in Canby where such business is to be carried on.

5. Date of application.

6. Amount of money tendered with the application.

7. Signature of applicant.

C. The City Recorder shall have the authority to determine the necessity for license as required by this Ordinance, and based on the information disclosed by the license application. If the City Recorder has reason to believe that any person is doing business in the City of Canby without first having obtained a license therefor he shall issue a notice to such person to appear and show cause, if any he has, why an application for license should not be made. Such notice may be served on such person by the Canby Police Department, and the officer serving such notice shall make a return of service to the City Recorder within ten days after the date of such notice; or otherwise such notice may be served on such person by either registered or certified mail. Such notice shall show the date and place set for the hearing. If any person to whom such notice is given shall fail or neglect without just cause to appear at the time and place set for the hearing it shall be conclusively presumed that such person is transacting and carrying on a business within the City of Canby which is subject to licensing as required by this Ordinance and is therefore in violation of this Ordinance and subject to the penalties as hereinafter provided.

D. The City Recorder shall have authority to reject any application for a license or to postpone the issuance of a license when a material falsification of the application is evident.

E. Any person agrieved by any decision of the City Recorder may appeal such decision to the Canby City Council, provided that such appeal is made within thirty days immediately following the date of such decision. Such appeal shall be considered promptly by the Canby City Council in either a regular or special meeting of the Council.

F. No special form shall be required for making any appeal to the City Council, and the Council shall hear and determine such matter in a summary manner, and forthwith shall cause a concisè entry of its order to be made in the minute records of such meeting.

Section 6: A. If any person licensed to do business within the City of Canby shall sell or transfer such business to another the license for such business shall be transferred to such other person upon application being made to the City Recorder for a transfer permit, and upon the payment of a \$5.00 transfer fee. The City Recorder shall provide the necessary application and transfer permit forms; and shall make appropriate entry in the records of licenses after any transfer of business has been completed.

B. 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 Canby which is required to be licensed by this Ordinance. Such records shall include copies of all applications for licenses, licenses issued, licenses transferred, appropriate information concerning the action of the Recorder in rejecting any application for a license, or in postponing the issuance of any license, and the action of the Canby City Council taken on all appeals to the Council of any decision of the City Recorder. 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 the Canby City Hall except by authority

of the City Recorder or the City Council.

Section 7: A. It shall be unlawful for any person to wilfully make any false or misleading statement to the City Recorder for the purpose of either avoiding the payment of a license fee or for the purpose of obtaining a business license; and it shall be unlawful for any person to refuse or fail 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 a license fee if required by the provisions of this Ordinance, or to refuse or fail to pay any penalty that might lawfully be assessed against such person under the provisions of this Ordinance.

B. In the event any person hereby required to obtain a license shall fail or neglect to obtain the same within the period provided by this Ordinance the Recorder shall collect, upon payment thereof and in addition thereto a penalty of ten percent of the annual license fee for each calendar month or fraction thereof during which the same shall be delinquent.

Section 8: A. The conviction of any person for violation of any provision of this Ordinance shall not operate to relieve such person from paying any license fee required to be paid, or any penalty thereon; nor shall the payment of any such fee be a bar to or prevent any prosecution in the Recorder's Court of Canby of any complaint for the violation of any of the provisions of this Ordinance.

Section 9: A. Any person violating any of the provisions of this Ordinance, shall, upon conviction thereof, before the Recorder's Court of Canby, be punished by a fine of not more than \$100.00.

Section 10: A. The invalidity of any section, clause, sentence or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 11: A. It being deemed advisable by the Canby City Council this Ordinance shall take effect on the first day of September, 1961.

Section 12: A. Canby City Ordinance number 317, adopted February 6, 1939 shall be and the same is hereby repealed.

Passed on first reading at a regular meeting of the Canby City Council held on the 31st day of July, 1961; ordered published at full length in the Canby Herald once a week for two consecutive weeks as provided by the Canby City Charter; and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 21st day of August, 1961.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:
J. R. Richardson
J. R. RICHARDSON - City Recorder

Passed on final reading and approved by the Mayor this 21st day of August, 1961.

Earl Oliver
EARL OLIVER - Mayor

ATTEST:
J. R. Richardson
J. R. RICHARDSON - City Recorder