

ORDINANCE NO. 484

AN ORDINANCE PROVIDING FOR THE LICENSING OF BUSINESSES FOR THE PURPOSE OF CITY REVENUE; ESTABLISHING LICENSE FEES; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE NO. 439; AND DECLARING AN EMERGENCY.

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 or occupation carried on for a livelihood or profit, when the annual gross income of such business exceeds the sum of Three Hundred Dollars (\$300.00); but not including, however, the following:

1. Suppliers to retailers and those engaged solely in wholesale selling, who do not have a place of business in the City of Canby.

2. Municipal, State or Federal agencies or employees.

3. Any person employed in the City of Canby by one engaged in business in the City of Canby, if the employer is licensed pursuant to this Ordinance to conduct a business in the City of Canby, otherwise such person shall themselves be deemed to be engaged in business and subject to the requirements of this Ordinance.

4. 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 the laws of the State of Oregon.

5. Any person engaged as a landlord in leasing property, unless such person leases at any one time more than two (2) separate rental units or parcels, whether it be land or buildings, or both, or residential or commercial, or both, in which event, if his annual gross income from rentals exceeds \$300.00, such person shall be deemed to be engaged in business.

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.

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. 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. No person shall engage in business in the City of Canby unless he has paid an annual license fee of Twenty-Five Dollars (\$25.00).

B. The annual license fee prescribed in subsection A of this Section shall be paid to the Canby City Recorder upon the

filing of an application for a business license, or upon the annual renewal of a business license.

C. Each branch establishment of any business for the purpose 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: 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 person.

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 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.

Section 6:

A. The City Police Department is charged with the enforcement of this Ordinance; and if any officer of the Police Department has reason to believe that any person is doing business in the City of Canby without first having obtained a license to conduct such business, such officer may issue a NOTICE to such person to apply to the City Recorder within fifteen (15) days from the date of such NOTICE for a business license. Such NOTICE may be served by the officer personally, or by Certified Mail, and a copy of the NOTICE showing the date and manner of service shall be filed immediately with the City Recorder. Any person upon whom such NOTICE is served and who feels that he is not subject to licensing under this Ordinance shall appear before the City Recorder, either personally or in writing, within fifteen (15) days from the date of such NOTICE and request a hearing before the City LICENSE REVIEW BOARD.

B. A LICENSE REVIEW BOARD is hereby created. It shall consist of three (3) members, who are qualified electors of the City of Canby, and shall be appointed by the Mayor with the consent of the Council, and shall hold office at the pleasure of the Mayor. The Mayor shall designate one of the members as the Chairman of the Board and another as its Secretary, who shall keep a record of its decisions.

C. When any person has filed a request with the City Recorder for a hearing before the LICENSE REVIEW BOARD, the City

Recorder shall notify the Chairman of the Board of such request, and the Board shall hold a hearing within thirty (30) days to consider such matter, and Notice of the time, place and purpose of such hearing shall be mailed by the City Recorder, by First Class Mail, to the person requesting such hearing, Decisions of the Board shall be limited to interpretations of this Ordinance. It shall adopt rules of procedure for considering matters before it and may act by majority vote. It shall render its findings and decisions in writing. One copy thereof shall be filed with the City Recorder, and one copy filed with the City Police Department, and one copy delivered to the person requesting the hearing. The decisions of the Board shall be conclusive, except in case of mistake or fraud. The Board may recommend to the City Council amendments to this Ordinance and other new legislation.

Section 7:

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 \$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 a 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

LICENSE REVIEW BOARD. 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 8:

A. It shall be unlawful for any person to wilfully make any false or misleading statement to either the City Recorder or to the LICENSE REVIEW BOARD 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 fifteen (15) days from the date he engages in a business in the City of Canby required to be licensed under this Ordinance, or within fifteen (15) days from the anniversary date of any license previously issued, if such person continues to engage in such business, the Recorder shall collect upon payment thereof and in addition thereto a penalty of ten percent (10%) of the annual license fee for each calendar month, or fraction thereof, during which the same shall be delinquent.

Section 9: 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 Municipal Court of Canby of any complaint for the violation of any of the provisions of this Ordinance.

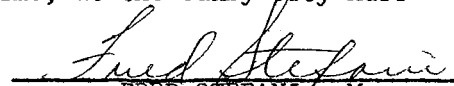
Section 10: Any person violating any of the provisions of this Ordinance, shall, upon conviction thereof, before the Municipal Court of Canby, be punished by a fine of not more than One Hundred Dollars (\$100.00).

Section 11: 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.

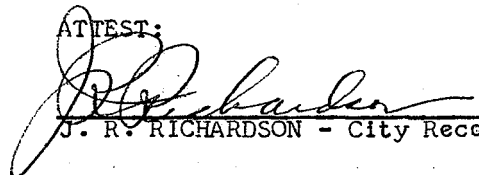
Section 12: Ordinance No. 439, adopted by the Canby City Council August 21, 1961, is hereby repealed.

Section 13: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect at 12:00 o'clock Midnight, June 30, 1965.

Passed on first reading at a regular meeting of the Canby City Council held on the 7th day of June, 1965; ordered posted in three public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks, as required by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a special meeting thereof to be held on the 28th day of June, 1965, at the hour of 5:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.

  
FRED STEFANI - Mayor

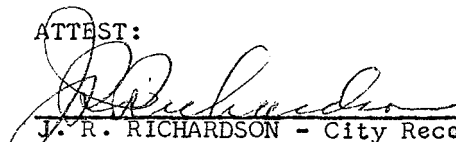
ATTEST:

  
J. R. RICHARDSON - City Recorder

Passed on final reading at a special meeting of the Canby City Council this 28 day of June, 1965, by the following vote: Yeas 5, Nays 0, and approved by the Mayor this 28 day of June, 1965.

  
FRED STEFANI - Mayor

ATTEST:

  
J. R. RICHARDSON - City Recorder