

AN ORDINANCE REGULATING AND LICENSING BUSINESSES, PROFESSIONS, PURSUITS AND OCCUPATIONS IN THE CITY OF TROUTDALE, OREGON, AND FOR FIXING THE PENALTY FOR THE VIOLATION OF THE SAME; REPEALING ORDINANCE NO. 115 and ALSO REPEALING ORDINANCE NO. 157.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE.

SECTION 1. ~~Ordinance No. 115 and Ordinance No. 157 are hereby repealed.~~

SECTION 2. As used in this ordinance, the term "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on business in the City of Troutdale, Oregon; and the term "business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit or non-profit, as hereinafter specifically mentioned and listed.

SECTION 3. No person 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 transacting or carrying on any business in the City of Troutdale, Oregon; and it is the intention that all license taxes and fees herein shall be borne by the employer for the privilege of doing business in the City of Troutdale.

SECTION 4. 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 the payment of the fee thereon as herein provided and for the penalties for failure to pay the same or to comply with the provisions of this ordinance to the extent and with like effect as if such agent or agents were themselves the proprietors or owners thereof.

Any person representing himself or itself, or exhibiting any sign of advertisement that he or it is engaged in any of the businesses in the City of Troutdale, on which a license fee is levied by this ordinance shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee, and subject to the penalties for failure to pay same.

SECTION 5. Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business with the City of Troutdale, Oregon, which is exempt from such license fee or regulation by the City by virtue of the Constitution or Laws of the United States of America, or the Constitution or Laws of the State of Oregon.

SECTION 6. ~~The levy or collection of a license fee upon any business~~ shall not be construed to be a license or permit of the City of Troutdale, Oregon, to the person engaged therein to engage therein in the event such business shall be unlawful, illegal or prohibited by the laws of the State of Oregon or the United States or ordinances of the City of Troutdale, Oregon.

SECTION 7. There are hereby imposed upon the business, trades, shops, professions, callings and occupations specified in this ordinance, license fees in the amount hereinafter prescribed, and it shall be unlawful for any person to transact and carry on any such business in the City of Troutdale, Oregon, without first having obtained the license therefore for the current year as herein provided or failure to comply with any and all application provisions of this ordinance.

SECTION 8. ~~The Common Council finds that persons who have established busi-~~ nesses located in the City pay City ad valorem taxes upon real and personal property used in their businesses and that non-resident businesses escape such ad valorem taxes. Both receive the benefits of police and fire protection, public streets and sidewalks, street lights, health service and other public facilities and services of the City. Therefore, in order that each shall pay as nearly as may be not a discriminatory share, but a share in proportion to benefits received of the burden in supporting such facilities and services of the City, all businesses operating from established places of business in the City shall pay the base license fee of \$15.00, plus \$2.50 for each employee over five, and the non-resident businesses not operating from established places of business in the City shall pay 100 per cent (100%) more than the base license fee, plus the regular fee for number of employees. The maximum fee shall be \$50.00.

Section 9. The tax year for which license fees shall be charged hereunder, shall commence with the first day of January of each year and terminate with the close of the 31st day of December of each year. The first license fee year shall begin with the first day of January, and all license fees shall be in advance for the ensuing year, and if not paid before the first day of February of the respective year, the license fee will be delinquent and the penalties and rights given the City of Troutdale under this ordinances may be imposed.

Penalties. Whenever any fee required by this article is not paid on or before the aforesaid delinquency dates, a penalty of 50% of the amount shall be imposed. Every penalty shall become a part of the license fee required by this article.

Section 10. On or before the first day of January of each and every license year as herein provided, after the passage of this ordinance, every person, as herein defined, engaged in business, as defined herein, in the City of Troutdale, Oregon, which said businesses are in this ordinance scheduled and designated, shall make application to the City Council for a license to carry on his business for the license year.

Section 11. REVOCATION OR SUSPENSION OF LICENSES. All licenses are subject to all regulations imposed by the City. Nothing herein contained shall be construed to create any vested right in any person to the assignment, renewal or continuance of any license. The final authority of licenses shall be at all times vested in the Council, which may, as herein provided, revoke and cancel any license, or refuse the renewal of any license, for any of the following causes or facts:

Fraud or misrepresentation in its procurement.

Violation of any of the provisions of the ordinances and Charter of the City of Troutdale.

Violation of any state or federal statute involving moral turpitude.

Any conduct or act of a licensee or his employees, or any act permitted by him or them on the premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the City.

When the licensee does not have the ability to exercise the license granted, or his business or activity licensed is not operated through the lack of present ability to exercise the license.

Section 12. APPLICATIONS FOR LICENSES. All applications for business licenses, shall be made in writing to the Recorder upon blank forms provided by the City. Applications for any license must be signed by the applicant, and in all cases must set forth the true name of the person, firm, or corporation to be engaged in such business. All information requested on the application blank must be completely filled in before filing. The Recorder shall not accept any application containing the name of a person under age 18 as an applicant unless the application is signed by the applicant and his or her parent or guardian.

Section 13. RENEWAL OF LICENSES. On the expiration of any license or within 30 days prior thereto, it may be renewed without further application upon payment of the proper license fee, if there has been no change in ownership, location or classification, and no information has come to the attention of the City Council which would indicate that it should not be renewed. Any ground for revocation shall be a ground for refusal to renew a license.

Section 14. INSPECTION OF PREMISES AND POSTING OF LICENSES AND TAGS.

(a) Inspection. ~~Any police officer, employee of the City of Troutdale, or inspector of any department~~ required to give a clearance or permit under the regulations of the Charter and ordinances of the City, may at any reasonable time enter any place for which a license is required for the purpose of inspecting the premises or examining the license. Any police officer may examine any property purporting to be pawned, pledged, or deposited in the possession of any licensee; provided, that such property shall not be taken without due process or authority of law.

(b) Display of Licenses and Tags. Licensees shall keep their licenses posted in a conspicuous manner in their places of business.

Section 16. EXEMPTIONS FROM LICENSES. Peddlers and distributors of newspapers, Bibles and Biblical tracts, campaign and political literature, and producers of farm products who peddle products raised only by themselves, shall not be subject to the payment of any license fee but shall otherwise be subject to present regulatory ordinances of the City of Troutdale, applicable to such callings.

Section 17. Any person violating any of the provisions of this ordinance shall upon conviction thereof in the Municipal Court of the City of Troutdale, Oregon, be punished by a fine of not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed thirty (30) days, or by both fine and imprisonment, in the discretion of the Municipal Judge.

Passed by the City Council of the City of Troutdale this 10th day of September, 1974.

YEAS: 5

NAYS: 0

Signed by the Maor this 10th day of September, 1974.

  
MAYOR

ATTEST:

Recorder: Truly W. Wright

Ordinance No. 206

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