

ORDINANCE NO. 249

AN ORDINANCE TO REGULATE AND LICENSE PRIVATE BUSINESSES, OCCUPATIONS, PROFESSIONS, AND PURSUITS IN THE CITY OF TROUTDALE, FOR PROVIDING PENALTIES FOR VIOLATIONS HEREOF AND REPEALING ORDINANCE NO. 206 AND NO. 232.

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

Section 1. Title: This ordinance shall be known as the Business Regulatory License Ordinance.

Section 2. Repeal of Previous Licensing Ordinances: Ordinances No. 206 and 232 are hereby repealed.

Section 3. Purposes: The purpose of this Ordinance is to promote the public health, safety and welfare by maintaining and regulating a marketplace within the City of Troutdale and to protect consumers and businessmen alike.

Section 4. Definitions:

A. Person - Any domestic or foreign corporation, association, syndicate, or partnership, joint venture, society, individual or group of individuals transacting or carrying on any business within the City of Troutdale, Oregon.

B. Business - Any profession, trade, occupation, commercial or industrial enterprise of any kind or nature including those carried on for profit or for non-profit purposes, but excluding federally tax exempt organizations and non-profit religious organizations.

Section 5. License Requirement: No person shall operate, maintain or engage in any business unless he has a current license issued pursuant to this Ordinance.

(a) Licenses may be issued subject to conditions. However, conditions may only be made pursuant to Council action upon findings of Council that such conditions are necessary to prevent a public nuisance or to prevent or reduce the risk of harm to the public health, safety, peace or general welfare of the citizens of Troutdale.

(b) Each separate business shall be required to obtain a separate license notwithstanding they are at a common location or under common ownership.

Section 6. License Fee: No license shall be issued hereunder unless the applicant shall first pay the license fee in the amount of \$ \_\_\_\_\_ per calendar year.

Section 7. Display of License: Every person holding a license issued under this Ordinance shall, at all times while such license is in force, display the license in a conspicuous place on his premises. In the event such licensee shall not have a place of business within the City of Troutdale, he shall keep and have in his possession at all times that he is doing business in the City of Troutdale, a license receipt granted to him and he shall upon the request of any police officer, building official or city official designated by Council, produce and display the receipt.

Section 8. Delinquency: All license fees required by this Ordinance shall be paid in advance and become due upon the commencement of any business for which a license is required, or in the case of a renewal the fee shall become due on the 1st business day following the expiration of the previous license. All

license fees shall be deemed delinquent if not paid on or before 30 days after the due date. However, the aforesaid 30 day grace period shall not be deemed permission to operate a business and the City shall not be deemed to have waived any remedy it may have to enforce this Ordinance including imposition of fines or enjoining the business activity. Whenever any fee required by this Ordinance is not paid on or before 30 days of the due date, an additional fee equal to 1% of the fee set forth in Section 5 shall be imposed for each day of delinquency. The number of days for which a delinquency payment shall be computed shall be determined by the date the payment is actually received by the City Recorder by cash, money order or certified check and shall include the day upon which the payment is received.

Section 9. Revocation or Suspension of Licenses: All licenses are subject to all Ordinances 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, refuse the renewal of any license, or suspend a license for any of the following causes:

- (a) Fraud or misrepresentation in its procurement;
- (b) Violation of any ordinance or the Charter of the City of Troutdale.
- (c) Violation of any state or federal criminal statute.
- (d) Any conduct or act of a licensee or his employees, or any act permitted by him or them on the premises where such business is conducted tending to render such business or such premises where the same is conducted a public nuisance or a menace to the health, peace or general welfare of the Town.
- (e) A violation of federal or state law or town ordinance relating to the business or activity licensed and resulting from the conduct of such business or activity.

Section 10. Notice and Hearing: Prior to the revocation, suspension or termination of any license the City Administrator or his designee shall cause to be served upon the Licensee a notice, in writing, containing alleged grounds for the revocation, suspension or termination and such notice shall include the time and place of hearing which shall not be sooner than ten (10) days of the service.

Upon hearing, the Licensee shall have an opportunity to present evidence in his own behalf and cross examine witnesses who present evidence in opposition to his license. If a majority of the Council shall by vote determine that cause exists for the revocation or suspension of such license after such hearing, it shall be revoked or suspended.

Section 11. Effect of Revocation or Suspension: Whenever the Council revokes or suspends the license of any person, it shall be unlawful for such person to operate such business at the premises covered by the revoked or suspended license unless or until a new license has been issued therefor subsequent to the revocation, or the period of suspension has terminated.

Whenever the Council shall revoke the license of any person for any reason, it may at the same time also revoke any other license or licenses held by such person for the carrying on of any other business or businesses within the City, which is operated in connection with the business for which the license has been revoked or any business operated by the same person upon the same premises

with that business for which the license has been revoked.


Whenever a license to conduct any business has been revoked by the Council or whenever the issuance of a license or a renewal of license has been denied by the Mayor, no license shall be granted or reissued to the same person or at the same location for any business without the approval of the Council. As a condition of such approval the Council may in its discretion require the applicant to file with the Recorder a bond in the penal sum deemed necessary under the circumstances but not to exceed \$10,000, and which shall be forfeited to the City if such person is thereafter convicted of a violation of federal, state or city laws or ordinances for which such license may be revoked. The bond shall be required for the term of the license and shall not be surrendered or cancelled pending final determination of any charge or accusation by federal, state or town officials against the licensee of any violation of any law or ordinance which might justify a forfeiture of such bond. If a license is subsequently approved by the Council for the conduct of a business, the license for which has previously been revoked by the Council or denied by the Recorder, it shall not be necessary to obtain Council approval for a renewal of the Council approved license.

Section 12. Application for Licenses: On or before the first date of January of each and every license year as herein provided, after 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 Mayor for a license to carry on business for the license year. The Mayor shall be responsible for approving or denying the license. All licenses approved by the Mayor shall be submitted to the City Council for ratification at the next Council meeting. In the event of disapproval, notice shall be given to the applicant of the disapproval by the Mayor. The applicant may appeal the disapproval by the Mayor to the City Council provided that the applicant give written notice to the City of his desire to appeal. The appeal will be presented to the City Council at its next regular meeting, at which time final determination shall be made.

Passed by the Common Council of the City of Troutdale this 9th day of August, 1977.

YEAS: 5

NAYS: 0

  
MAYOR - R. M. Sturges

ATTEST:

  
City Recorder