



CITY OF WARRENTON

Policy Clarification

A Policy Clarification issued by the Warrenton City Commission determining that the business license fee, provided for under *Ordinance 857-A Providing for Licenses for Services, Manufacturing, Processing, Trades, Retail and Wholesale Shops and Any Other Occupations for the Purpose of Providing Revenue; Method of issuing Licenses; providing Penalties Directing Distribution of Funds*, is to be paid by all businesses, temporary, roadside, non-resident, or otherwise.

Whereas, City Ordinance 857-A defines businesses as, "all services, manufacturers, processors, trades, retail, and wholesale shops of any and all kind, joint ventures, societies and individuals transacting and carrying on business in the City of Warrenton."

Whereas *Section 5 of Ordinance 857-A* states "No person may engage in, prosecute or carry on any business without first paying the required license fee."

Therefore, it is determined by the Warrenton City Commission that all businesses conducting activities within the City limits of Warrenton, whether they are temporary, non-resident or otherwise, are subject to the business license fee pursuant to City Ordinance 857-A

PASSED AND ADOPTED THIS 18 DAY OF APRIL 2001.

Mayor, City of Warrenton

APR 18, 2001

DATE:

ATTEST:

City Manager

APR 18, 2001

DATE:

ORDINANCE NO. 857-A

PROVIDING FOR LICENSES FOR SERVICES, MANUFACTURING, PROCESSING, TRADES, RETAIL AND WHOLESALE SHOPS AND ANY OTHER OCCUPATIONS FOR THE PURPOSE OF PROVIDING REVENUE; METHOD OF ISSUING LICENSES; PROVIDING PENALTIES DIRECTING DISTRIBUTION OF FUNDS.

The city of Warrenton, Oregon, ordains as follows:

Section 1. Definitions:

(1) Person: All domestic and foreign corporations, associations, syndicates, partnerships of any kind, joint ventures, societies and individuals transacting and carrying on business in the city of Warrenton.

(2) Business: All services, manufacturers, processors, trades, retail and wholesale shops and any and all occupations carried on in the city of Warrenton for the purpose of profit or not for profit.

Section 2. Exclusions:

(1) No person whose income is based solely on an hourly, daily, weekly, monthly or annual wages or salary shall, for the purpose of this ordinance, be deemed a person transacting or carrying on any business in said city. It is the intention that all license fees herein shall be borne by the employer of the person for the privilege of doing business in the city of Warrenton.

(2) Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from such license fee or regulation of the city by virtue of either the Constitution or laws of either the United States of America or State of Oregon.

(3) Any religious, fraternal, or charitable organization may receive a refund of the license fee under this ordinance following the filing of an exemption which must be approved by the city commission. Such organizations which have once been granted an exemption are not required to pay the license fee in subsequent years, if a certification has been filed that the character or nature of the activity has not changed.

Section 3. Purpose:

(1) It is necessary to levy license fees through this ordinance in order to provide revenue for the primary purpose of enhancing the business community, including the following:

(a) Providing funding for the appropriate chamber of commerce representing the city of Warrenton.

- (b) Providing promotional material for the city.
- (c) Development of the city.
- (d) Beautification of the city.
- (e) Other tasks, projects, or functions recommended by the Business License Advisory Use Committee, as set out in section 4, and approved by the city commission.
- (f) Other tasks, projects, or functions recommended and approved by the city commission.

Section 4. Business License Advisory Use Committee:

(1) The Business License Advisory Use Committee (BLAUC) shall be appointed by the city commission. The commission shall appoint members from the different businesses and industries, with the intent of providing diversified interests and perspectives on the committee. City commissioners are not eligible to serve on the BLAUC.

(2) The committee shall consist of five (5) members. At its first meeting, the members shall draw for length of term by lot:

Positions Number 1 & 2 shall expire on 31 December, the year following creation of the committee.

Position Number 3 shall expire on 31 December, one year after Position Number 1 term expires.

Position Number 4 shall expire on 31 December, two years after Position Number 1 term expires.

Position Number 5 shall expire on 31 December, three years after Position Number 1 term expires.

(3) All members of the board appointed thereafter shall serve a term of four (4) years, with the term of at least one board member expiring each year. Membership is limited to one full term.

(4) The committee shall select a chairperson at its first meeting. It shall also adopt rules or procedures, meeting dates, and any other matter as they find appropriate.

(5) The BLAUC is an advisory group and may not commit the city to any financial or other type obligation, except as specified by the city commission.

Section 5. Payment Required:

(1) No person may engage in, prosecute or carry on any business without first paying the required license fee.

(2) 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 proprietor thereof, resident or non-resident.

(3) A person representing or exhibiting a sign or advertisement that such person or business is engaged in any operation for which payment is required by this ordinance is deemed to be engaged in such business and shall pay such license fee as required by this ordinance.

(4) Any person engaged in operating or carrying on more than one business in the city of Warrenton shall pay the license fee prescribed for each business operated by such person.

(5) Those persons whose physical plants or facilities are located outside of the city, but whose business requires use of the city's streets or services, and whose services or materials are rendered or delivered within the city, are required to file an application and pay the appropriate license fee.

Section 6. City Disclaimer:

(1) 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 Warrenton to the person engaged therein to so engage in the event such business shall be unlawful, illegal or prohibited by the laws of the State of Oregon or the United States, or by the ordinances of the city of Warrenton.

(2) Nothing in this ordinance shall be constructed as vesting any right in a person engaged in any business required to have a license under this ordinance, either by granting the license or under a contract obligation on the part of the city for the amount or character of the license fee. Such a fee may be increased or decreased at any time.

Section 7. Tax Year and Payment Due:

(1) The tax year for which the license fees shall be charged hereunder shall commence with the 1st day of July each year and terminate with the close of the business day on 30 June of each year. If the applicant applies for a business license, after 1 January, the fee shall be 50% of the annual rate.

(2) Persons applying for a license who have not engaged in or operated the business applying in either the current or previous tax year, shall pay the required fee on or before the first day business is transacted with customers or products, or process is initiated in manufacturing.

(3) All license fees shall be due and payable on the 1st day of July each year; said payment to be in advance for the ensuing year. If a person is classified under section 7 (2), the fee shall be for the remainder of that tax year.

(4) If the license fee is not paid prior to 15 July or the nearest working day thereto in the respective year, the license fee will be delinquent and the penalties and rights

given by the city of Warrenton under this ordinance may be imposed as hereinafter set forth.

Section 8. Duties:

(1) It shall be unlawful for any person to operate or transact any business as specified by this ordinance without first paying the city of Warrenton in advance such license fee as is imposed by this ordinance.

(2) No transfer or assignment of any license issued under this ordinance is valid.

(3) Whenever a person sells or transfers, in whole, a business for which such license fee has been paid, neither the vendee nor vendor, is required to pay an additional license fee for the balance of the tax year.

(4) If a question arises between the applicant for a license and the city auditor, or designate, as to classification, fee or other, the same may be referred to the city commission for its determination.

(5) It shall be unlawful for any person to willfully make any false or misleading statement to the auditor or his/her designate, in the application for the purpose of determining the amount of license fee herein provided to be paid by any such person, or to fail or refuse to comply with those provisions of this ordinance required to be so complied with or observed, or to fail or refuse to pay, before the same shall be delinquent, any license fee or penalty hereby required to be paid by such person.

Section 9. Classifications and Fees: All fees and classifications will be designated by resolution and approved by the Warrenton city commission.

Section 10. Procedures For Application:

(1) Prior to the date due, a person transacting or engaged in a business shall apply for a license and a determination of fee due.

(a) The application shall be on an appropriate form provided by the city.

(b) At the time of filing the application, the applicant shall make payment of the required license fee.

(c) Said application shall be filed with the auditor or designate for use of the city commission and city officials.

(d) The auditor or designate shall furnish a receipt for monies received for the license.

Section 11. Application Form:

(1) The applications shall be in book form and numbered consecutively, beginning with number 1. The form shall have the year for which application is made, printed or stamped

immediately following the aforementioned number. The application shall contain the following information:

(a) A description of the business, etc. to be operated,

(b) The name and address of the applicant. For other forms of business, the following information is required:

Partnership - names and addresses of all partners.

Corporation - names of the president and secretary and address of the home office.

Foreign corporation - name and address of the designated Oregon agent and name and address of the local agent or representative who will be in charge of the Warrenton business.

(c) Address of the business location or its Warrenton office.

(d) Average number of employees for year minus one.

(e) The amount of the license fee tendered with the application.

(f) Date of application.

(g) Any other information the auditor or city commission deems said application should contain.

Section 12. License Form:

(1) The licenses issued during a license year shall be numbered consecutively beginning with number 1 and followed immediately by the year the license is to cover. This number should correspond with the licensee's application number. In addition to the number, the license shall contain:

(a) The name of the business to which issued.

(b) The name of the business owner.

(c) Description of the business as shown by the application.

(d) The location and mailing address of the business.

(e) The signature of the auditor.

(f) The seal of the city of Warrenton.

(g) Date issued.

(h) Any other information deemed desirable by the auditor or city commission.

(2) The license shall be padded in duplicate with a detachable original to be given to the licensee and the copy remaining of record with the auditor.

(3) A license issued under this ordinance shall be available at all times for inspection at the location of said business. The police chief and officers are directed to examine all places of business subject to this ordinance at any reasonable time for the purpose of determining

whether or not such business is complying with this ordinance.

Section 13. Penalty Clause: Any person violating any of the provisions of this ordinance shall, upon conviction thereof, in the municipal court of the city of Warrenton, be punished by a fine not to exceed one hundred dollars (\$100.00).

Section 14. Addition Remedies:

(1) In addition to the penalties provided herein and as separate and distinct remedies, the city may, in any court of competent jurisdiction, sue to obtain a judgment and enforce collection thereof by execution for any fee due under this ordinance.

(2) The city may seek an injunction prohibiting a person from engaging in any business.

(3) In any action or suit authorized by this section the city, if it prevails, shall recover reasonable attorneys' fees, in addition to the city's costs and disbursements.

Section 15. Saving Clause: The city commission of Warrenton, Oregon, hereby declares it has herewith adopted this ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, sub-sections, clauses, phrases or portions be, or be declared to be, invalid, unenforceable or unconstitutional; and if any section, sub-section, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid, unenforceable or unconstitutional by any court, such decision shall not affect the validity of the remaining portions of this ordinance.

Passed by the city commission and approved by the mayor
June 21, 1989.

