

ORDINANCE NO. 892

AN ORDINANCE AMENDING THE PENALTY PROVISIONS OF THE BUSINESS LICENSE REQUIREMENTS CHAPTER 5.04 OF THE TROUTDALE MUNICIPAL CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City requires, pursuant to TMC 5.04 et seq, licensing to regulate businesses in order to promote the health, safety and welfare of the public.
2. The punishment for failure to comply with TMC 5.04 et seq is under 5.04.180, attached as Attachment A. It states that punishment is up to a \$300 fine and/or 90 days in jail. Because it allows for jail time it is a “crime” and not a violation. As a crime it requires the defendant to be provided certain rights such as a jury trial and a court appointed attorney.
3. It is uncommon for businesses to be charged with a violation of TMC 5.04, and it is even rarer that the offense results in sentence of any jail time. The primary punishment has historically only been a fine.
4. In order to save the City time, resources and money, it is best to provide punishment parameters that do not trigger jail time as an option unless the violation is continuing or egregious. The attached Attachment A establishes a progressive punishment for violating our business licensing law. The new TMC 5.04.180 not only benefits the City, but also reflects the reality of what the actual punishment for violations have been.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The Chapter 5.04 - BUSINESS LICENSES of the Troutdale Municipal Code under its Penalty section, 5.04.180, is amended to read as provided in Attachment A.

Section 2. This Ordinance shall be effective October 11th, 2024.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Sarah Skroch, City Recorder
Adopted: September 10, 2024



Randy Lauer, Mayor
Date: September 11, 2024

Attachment “A” to Ordinance #892

5.04.180. - Violation—Penalty.

Any person violating any of the provisions of this chapter, shall upon conviction thereof in municipal court, be punished by a fine not to exceed, and imprisonment not to exceed for a third or more offense:

- a. Three hundred dollars for the first conviction;
- b. Six hundred dollars for the second conviction;
- c. Nine hundred dollars for the third and subsequent offense, and imprisonment not to exceed ninety days, or both such fine and imprisonment.