

Amended by  
Ord 67-555 | Ord 73-670  
Ord 67-555  
Ord 93-971  
Ord 91-925  
Ord 86-845  
Ord 77-679

CITY OF SHERWOOD, OREGON

ORDINANCE No. 549

AN ORDINANCE PROVIDING FOR LICENSING OF TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, BUSINESSES AND CALLINGS, FOR THE PURPOSE OF REGULATION AND REVENUE; PRESCRIBING PROCEDURE FOR ISSUANCE OF LICENSES, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: (a) As used in this ordinance, "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventurers, societies and individuals transacting and carrying on any business in the City of Sherwood, Oregon.

(b) As used in this ordinance, "business" means professions, trades, occupations, shops, and all and every kind of calling carried on for profit or livelihood.

(c) 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 and carrying on any business in the City of Sherwood, Oregon.

(d) The agent or agents of a nonresident 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 proprietors.

Section 2: (a) This ordinance is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed.

(b) The license fees levied by this ordinance shall be independent and separate of any license or permit fees now or hereafter required of any person to engage in any business by any ordinance of the City of Sherwood, Oregon regulating any business herein required to be licensed and all such businesses shall remain subject to the regulatory provisions of any such ordinances or ordinance now or hereafter in effect and the persons engaged therein liable to the payment of any license fees therein provided for.

(c) Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business within the City of Sherwood, Oregon which is exempt from taxation or regulation by the City by virtue of the constitutions of the United States or of the State of Oregon, or applicable statutes of the United States or of the State of Oregon.

(d) 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 Sherwood 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 Sherwood, Oregon.

Section 3: (a) There is hereby imposed upon the business trades, shops, professions, callings and occupations specified in this ordinance, a license fee of FIVE DOLLARS (\$5.00), and it shall be unlawful for any person to transact and carry on any such business in the City of Sherwood without first having obtained the license therefor for the current calendar year as herein provided, or complying with any and all application provisions of this ordinance.

(b) The license year shall commence January 1 of each year and terminate at the expiration of December 31 of that year.

(c) License fees herein required shall be due and payable on the first day of January of each year for the ensuing calendar year, and shall be delinquent on and after the first day of February of such year.

For any such trade, shop, business, occupation or profession beginning business within the City of Sherwood on and after July 1 of any license year, the license fee for such remaining six month period of the license year, or any part thereof, shall be TWO AND 50/100 (\$2.50) DOLLARS.

(d) Each branch establishment of business or location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the license fee herein provided, but warehouses used solely incidental in connection with a business licensed pursuant to the provisions of this ordinance and operated by the person conducting such business, shall not be separate places of business or branch establishments.

(e) Whenever a partnership or firm is established in any of the various professions in which two or more members of the firm are licensed under state law to practice such profession, the license herein for such partnership or firm shall be TEN DOLLARS (\$10.00).

Section 4: Inasmuch as certain trades, shops, businesses, professions or callings are conducted within the corporate limits of the City of Sherwood, Oregon by persons having their regular place of business elsewhere, or by persons operating from vehicles within the City of Sherwood, who pay no city ad valorem taxes but nevertheless receive the benefit of police and fire protection, public streets and sidewalks, street lighting and other city services, the City Council of the City of Sherwood hereby finds that such trades, shops, businesses, professions or callings having no business situs within the City of Sherwood, or being operated from vehicles, and who pay no city ad valorem taxes upon real or personal property, shall pay a license fee of SEVEN AND 50/100 DOLLARS (\$7.50), and the Council further finds that said fee of 50% in excess of the basic fee of \$5.00 is a fair, equitable and non-discriminatory charge fixed in recognition of the circumstances herein recited.

Section 5: (a) If any person be engaged in operating or carrying on in the City of Sherwood, 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 said trades, shops, professions, occupations, businesses or callings as are carried on by such persons, except as herein otherwise specifically provided.

(b) Producers of farm products raised in Oregon, produced by themselves or their immediate families, shall not be subject to license fees prescribed herein that may apply to the selling of such products in the City of Sherwood by themselves or their immediate families.

Section 6: Procedure for Obtaining Licenses.

(a) All licenses shall be issued by the City Recorder of the City of Sherwood, Oregon upon written application therefor, and not otherwise. All licenses and permits are subject to revocation at any time by the Council for cause.

(b) The application for such license shall contain the following information:

1. A description of the trade, shop, business, profession occupation or calling to be carried on within the city.
2. The name of the applicant, with a statement of all persons having an interest in said business either as proprietors or owners of said business.
3. The location of the place where the business is carried on.
4. Date of application
5. Amount of money tendered with application.
6. Signature of the applicant.

(c) No transfer of any license herein provided for shall be made without the consent of the City Council. An entry of such transfer shall be made by the Recorder in the record of licenses for which entry the Recorder shall charge and receive \$1.00.

Section 7: (a) It shall be unlawful for any person wilfully to make any false or misleading statement to the City Recorder for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse 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 before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person.

(b) In the event any person hereby required to obtain a license shall fail or neglect to obtain the same before it shall become delinquent, the City Recorder shall collect upon the payment therefor and in addition thereto a penalty of five (5%) per cent of the fee therefor for each calendar month or fraction thereof the same shall be delinquent.

(c) Nothing herein contained shall be taken or construed as vesting any right in any license as a contract obligation on the part of the City as to the amount of the fee hereunder. Other or additional taxes or fees and the fees herein provided for may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the said City and any business may be reclassified or sub-classified at any time and other or additional fees levied upon any thereof or parts thereto.

Section 8: The conviction of any person for violation of any of the provisions of this ordinance shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent any prosecution in the City Court of any complaint for the violation of any of the provisions of this ordinance.

Section 9: Any person violating any of the provisions of this ordinance shall upon conviction thereof in the City Court, be punished by a fine of not to exceed ONE HUNDRED DOLLARS (\$100.00) or by confinement in the City or County Jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Section 10: This ordinance shall be effective on and after Sept 1, 1967.

PASSED: By the Council, after being read by sections, and in full, this 8<sup>th</sup> day of February, 1967.

Jeanette Allerson  
Recorder - City of Sherwood

APPROVED: By the Mayor, this 8<sup>th</sup> day of February, 1967.

A. Richberger  
Mayor - City of Sherwood