

ORDINANCE NO. 2000-2000

AN ORDINANCE REMOVING THE REQUIREMENT FOR COUNCIL REVIEW ON INITIAL BUSINESS LICENSE APPLICATIONS

WHEREAS, the City of Sherwood Municipal Code, Chapter 5.04, Business Licenses Generally, paragraph 5.04.070 B.7 states the requirements which business applicants must complete before issuing initial business licenses; and

WHEREAS, neither the City Council nor staff can find any compelling reason why these requirements exists; and

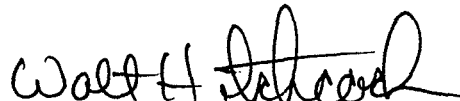
WHEREAS, the present requirements to approve initial business licenses unnecessarily prolong the application processing time,

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

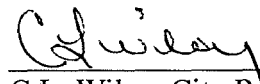
Section 1. The Council directs staff to remove this requirement and to make the administrative amendments to Ordinance no. 73-631 (Exhibit A) and the Municipal Code (Exhibit B).

Section 2. Effective date. This ordinance shall become effective on the 30th day after its enactment by City Council and approval by the Mayor.

Duly passed by the Council this 10th day of October, 2000.


Walt Hitchcock, Mayor

ATTEST:


C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Fox	<u>X</u>	_____
Whiteman	<u>X</u>	_____
Krause	<u>X</u>	_____
Cottle	<u>Absent</u>	_____
Hitchcock	<u>X</u>	_____

CITY OF SHERWOOD, OREGON

AN ORDINANCE AMENDING ORDINANCE #549 OF THE CITY OF SHERWOOD (ORDINANCE WITH RESPECT TO LICENSING OF TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, BUSINESSES AND CALLINGS) BY ADDING THERETO ADDITIONAL PROVISIONS TO SECTION 6 FOR THE PURPOSE OF REQUIRING CERTAIN BUSINESSES TO SHOW BUSINESS PREMISES HAVE BEEN INSPECTED AND INITIALLY APPROVED FOR OCCUPANCY AND USE BY THAT BUSINESS

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That Ordinance No. 549, enacted by the City Council of the City of Sherwood, effective July 1, 1967, with respect to the licensing of trades, shops, occupations, professions, businesses and callings be, and the same is hereby, amended and supplemented by adding thereto additional subparagraphs numbered 7 and 8 to paragraph (b) of Section 6, reading as follows:

"7. Any applicant for an initial business license for a business which will utilize and occupy a premises located within the corporate limits of the City of Sherwood shall in addition to the foregoing requirements

a. Show that the premises has been approved for occupancy by business of the type stated on the application by the fire chief, fire marshall, or his agent.

b. Show that the premises has been inspected and approved for occupancy by a business of the type stated in the application by the City Building Inspector.

c. Show that any permits or licenses required by State statute or City ordinance have been obtained.

d. Obtain the approval of the City Recorder, and

e. Obtain the approval of the City Council.

"8. Licenses for trades, businesses, or callings, being carried on in the City by persons not operating from or utilizing a business premises within the corporate limits of the City of Sherwood may be issued by the Recorder without the applicant complying with the provisions of subparagraph 7 of this section."

Section 2: This ordinance shall be effective on and after the 31st day from its passage by the Council and approval of the Mayor.

PASSED: By the Council by unanimous vote of all Council members present after being read by caption three times and in body once, this 11 day of April, 1973.

§ 2, 1977; Ord. 640 § 2, 1973; Ord. 549 § 4, 1967)

5.04.050 Multiple businesses.

If any person be engaged in operating or carrying on in the city, 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. (Ord. 549 § 5(a), 1967)

5.04.060 Exemptions.

A. 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 by themselves or their immediate families.

B. Any bona fide charitable, religious, or fraternal organization conducting a business in the city for the purposes of raising funds for said organization may request, and the city council may grant, a waiver of the city's business licensing requirements, provided however, that said business must be temporary in nature and may not operate more than seven days in any calendar year. (Ord. 89-895 § 1; Ord. 549 § 5(b), 1967)

5.04.070 Procedure for obtaining licenses.

A. All licenses shall be issued by the city recorder of the city, 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;

7. Any applicant for an initial business license for a business which will utilize and occupy a premises located within the corporate limits of the city shall, in addition to the foregoing requirements:

a. Show that the premises has been approved for occupancy by business of the type stated on the application by the fire chief, fire marshal or his or her agent,

b. Show that the premises has been inspected and approved for occupancy by a business of the type stated in the application by the city building inspector,

c. Show that any permits or licenses required by state statute or city ordinance have been obtained,

d. Obtain the approval of the city recorder,

e. Obtain the approval of the city council;

8. Licenses for trades, businesses or callings, being carried on in the city by persons not operating from or utilizing a business premises within the corporate limits of the city, may be issued by the recorder without the applicant complying with the provisions of subsection (B)(7) of this section.

5.04.070

C. Change of Business Name, Sale or Transfer of Business.

1. Change of Business Name. If a business changes only its name, but continues to be owned by the same persons or entity, the name change shall be made upon the city business license records for an administrative fee of ten dollars.

2. Change of Ownership. If ownership of a business changes, though continuing with a same or different name, the new owners shall obtain a new business license for the business. (Ord. 98-1041 § 2; Ord. 631, 1973; Ord. 549 § 6, 1967)

5.04.080 Violation—Penalty.

A. It is 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 chapter 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 required to be paid by any such person.

B. In the event any person 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 percent 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 subclassified at any time and other or additional fees levied upon any thereof or parts thereto.

D. The conviction of any person for violation of any of the provisions of this chapter 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 chapter.

E. Any person violating any provision of this chapter shall, upon conviction thereof, be subject to a fine of not to exceed one hundred dollars (\$100.00). (Ord. 98-1041 § 3; Ord. 549 §§ 7—9, 1967)