

## ORDINANCE NO. 702

### **AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659.**

**The city of Aumsville does ordain:**

#### **Section 1. Definitions.**

- (A) Business. For the purpose of this ordinance, a business is defined as any person, partnership firm, company, corporation, or other entity operating within the city and carrying on a profession, vocation, or trade and/or offering its goods and services to the community.
- (B) City. The City of Aumsville.
- (C) Home Occupation. An occupation, profession, craft or hobby, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place. Home occupation activities include but are not limited to: dressmaking, lawyer, notary public, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling.
- (D) Peddler. For purpose of this ordinance a peddler is defined as any person or persons going in and upon private property; not having been requested or invited to do so by the owner or owners, for the purpose of soliciting orders for the sale of, or disposing of, goods, wares, merchandise, or services and/or for the purpose of peddling. It does not include those seeking donations with or without a product that are charitable, political candidates, or religious organizations.
- (E) Transient Business. A Transient Business is one operating from various locations in the city having no fixed location from which their operation(s) are conducted, the operation of which must be removed at the end of each day.

**Section 2. Purpose.** This ordinance establishes a registration device method for local businesses for the City to establish revenue to pay for the expenses required to issue licenses and provide revenue for municipal services to business.

**Section 3. License Required.** Any Business operating in the city is required an application for a license to do so with the City. No person may engage in business in the city without first obtaining a license and paying the license fees required. The license shall be issued annually with a commencement date of July 1 and ending June 30. No prorating of fees for licenses issued less than 12 months will occur.

#### **Section 4. Applications and Fees.**

- (A) Application for a business license shall be made upon forms furnished by the City which application shall address the following:
1. Name, address (legal and local), and identification verification of the applicant;
  2. The name of the business;
  3. The address at which the business will be conducted (if applicable);
  4. A description of the nature of the business and the goods to be sold;
  5. For transient businesses:
    - a) the name and address;
    - b) The length of time for which the right to do business is desired;
    - c) If a vehicle is to be used, a description of the same, together with license number or other means of identification; as well as proof of general liability insurance coverage;
  6. The amount of the license fee tendered with the application;
  7. The signature of the applicant or agent making application;
  8. The date of application;
- (B) Payment of the license fee as the same is set out in the City's fee schedule.

**Section 5. License Fees.** All license fees shall be set by resolution.

#### **Section 6. Transfers and Relocations.**

- (A) In the event of the transfer of ownership of any business, the business license may not be transferred by application of the new owner to the City.
- (B) In the event a business relocates, the licensee shall reapply by application to the City.

#### **Section 7. Denial, Suspension, or Revocation of License.**

- (A) A license issued under this ordinance may be denied, suspended, or revoked for any of the following causes:
1. Fraud, misrepresentation, or false statement contained in the application for a license; or
  2. violation of this ordinance;
  3. A violation of local, state, or federal law.
- (B) The license shall contain the signature of the issuing officer, the name and address of the licensee, the type of business, the date of issuance and the length of time the license is in effect. The City shall keep a record of all licenses issued
- (C) Notice. The city administrator shall provide written notice to the applicant or licensee of a denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant of the right to appeal under Section 8 of this ordinance.
- (D) Reapplication. A person whose application for a business license has been denied, or whose license has been revoked may, after 90 days from the date of denial or

revocation, apply for a new license upon payment of the application fee and submission of an application form and related documents.

### **Section 8. Appeal.**

- (A) In the event an application for a license under this ordinance is denied, or in the event a license is suspended or revoked, the applicant or license holder shall have the right to appeal. The written notice of appeal to Council shall be filed with the city administrator within 15 days after the denial of license or suspension or revocation.
- (B) Council shall hear and make a determination in regard to the appeal at its next regular meeting held not less than 20 days after the filing of the notice of appeal.
- (C) The decision of Council on such appeal shall be final and conclusive.

### **Section 9. Disclaimers, Exceptions, General Requirements, Exemptions.**

- (A) Disclaimers and Exceptions. The levy or collection of a license fee upon any business shall not be construed to be a license or permit by the City to the person engaged 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.
- (B) 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. Business license fees, as set by Council resolution, may be increased or decreased, and other or additional taxes or fees may be levied, increased, or decreased, at any time by Council. No person having paid the fee required, and having made application for a business license, shall be entitled to a refund.
- (C) General License Requirements. In addition to any other requirement of this ordinance, each licensee shall:
  - 1. Conform to all federal, state, and local laws and regulations, the provisions of this ordinance, and any rules adopted hereunder.
  - 2. Notify the City within 10 days of any change in material information contained in the application, related materials, or license.
  - 3. Displaying of License.
    - a) Businesses with established place of business shall display business license in a conspicuous place at all times.
    - b) Individual without an established place of business shall be required to continually carry the license with them when conducting business in the city limits of Aumsville.

### **I. Section 10. Specific Requirements.**

- (A) Businesses dealing in the purchase or trade of secondhand goods, such as jewelry, guns, or electronic equipment, shall keep a record of the sales for inspection by the chief of police. Such a record shall include the name of the seller, the name of the buyer, the date of sale, a description of the merchandise sold, any serial numbers or distinguishing marks on the goods being traded, as well as other information that would enable return of stolen goods.
- (B) Merchant Police, Security Services, and Similar Businesses.

- a) Each individual shall agree to a complete background check by the chief of police to determine the qualifications and reliability of the individual for the proposed business. The City may require a bond and such insurance as may be deemed proper. The license shall be issued only upon the police chief's approval of each person involved, such approval to be based on the complete background check.
- (C) Home Occupations shall be subject to the following standards:
1. The home occupation shall be secondary to the main use of the dwelling as a residence;
  2. All aspects of the home occupation shall be contained and conducted within a completely enclosed building;
  3. The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over twenty-five percent of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over five hundred square feet of floor area;
  4. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alterations shall not detract from the outward appearance of the property as a residential use;
  5. No persons other than those residing within the dwelling shall be engaged in the home occupation;
  6. No window display and no sample commodities displayed outside the dwelling are allowed;
  7. No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor;
  8. Any instruction shall be limited to one pupil at a time.
  9. No parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. A maximum of two customers' vehicles shall be permitted at one time;
  10. Signage shall be subject to the provisions in Section 19.
- (1) Transient Business. For the purpose of this ordinance a transient business is defined as a business that operates from various properties and has no fixed permanent location from which business is conducted. The business must be removed each day.

**Section 11. Additional Regulations.** See Development Ordinance, Chapter 8, for any additional regulations specific to land use and zoning.

**Section 12. Exemptions.** The license requirement does not apply to temporary businesses established for the purpose of supporting a festival or outdoor market that has received an approved permit from the city administrator or Council to hold such event. Business or vendors are limited to events that last no longer than 72 hours.

**Section 13. Violations and Penalties.**

- (A) Any person or business violating any of the provisions of this ordinance is subject to a penalty of \$500 for any one violation with each day constituting a separate violation.
- (B) In addition to the enforcement provisions of this ordinance, upon request by the city administrator, the city attorney may institute any additional proceedings, including, but not limited to, seeking injunction relief to enforce the provisions of this ordinance.

**Section 14. Repeal.** Ordinance No. 659 is hereby repealed.

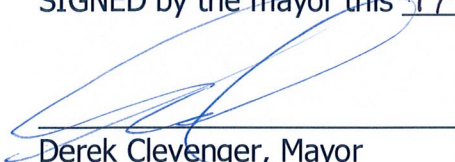
**Section 15. Severability.** Council declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason invalid, said declaration shall not affect the validity or applicability of the ordinance as a whole or any part thereof other than the part so held to be invalid.

**Section 16. Effective Date.** This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23<sup>rd</sup> day of November 2020. READ a second time on the 14<sup>th</sup> day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 14<sup>th</sup> day of December, 2020.

  
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Ron Harding, City Administrator

SIGNED by the mayor this 17<sup>th</sup> day of December, 2020

  
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Derek Clevenger, Mayor