

ORDINANCE NO. 659

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 ORDINANCES NO. 269 AND 567.

The city of Aumsville does ordain:

Section 1. Definitions.

- (1) Business. For the purpose of this ordinance, a business is defined as any person, firm, company or corporation establishing itself in a set location or address for the purpose of carrying on a profession, vocation or trade, and offering its services to the community.
- (2) Home Occupation. For the purpose of this ordinance a home occupation is defined as an occupation, profession, craft or hobby, which is customarily incidental to, or carried on in, a dwelling place or premises. The occupation must be carried on by a member of the family residing within the dwelling place. There shall be no structural alterations or changes in the dwelling or on the premises unless a permit has been issued for the same. Home occupation activities are to be such that they can be conveniently, unobtrusively, and inoffensively pursued in a family dwelling. No outside storage of vehicles, goods or debris is permitted. Home occupation business activities cannot use more than 20% of the available space in residence.
- (3) Peddler. For purpose of this ordinance a peddler is defined as any person or persons going in and upon private property, or calling at residences; 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 without a product (charitable), political candidates, or religious organizations.
- (4) 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 2. Purpose. This ordinance is enacted to regulate businesses to ensure that businesses are complying with applicable city ordinances, state and federal laws; and to provide revenue to pay for the expenses required to issue licenses, to provide revenue to pay for municipal services to business.

Section 3. Peddling Restricted. The practice of persons going in and upon private property or calling at residences without having been requested or invited to do so by the owner or owners, for the purpose of soliciting orders or offering goods, merchandise and/or services for sale is hereby prohibited and declared to be a violation of city ordinance and punishable as a violation unless the appropriate business license is obtained. The peddler must have his current city license displayed on his/her person at all times when operating in the city. Failure to display license during the solicitation shall constitute a violation and the peddler will be subject to a fine and/or suspension of license.

Section 4. License Required. Any person, firm, company or corporation establishing a new business within the city limits of Aumsville shall be required to make application for a license at city hall. Further, no person may engage in the business of a peddler as defined in Section 1 without first obtaining a license and paying the license or investigation fees required.

Section 5. Applications and Fees.

- (1) Application for a business license shall be made to the office of the city administrator upon forms furnished by the city. Each application shall state the following information:
 - (A) Name, address (legal and local), and identification verification of the applicant;
 - (B) The name of the proposed business;
 - (C) The address at which the business will be conducted (if applicable);
 - (D) A description of the nature of the business and the goods to be sold;
 - (E) For peddlers and transient businesses, If not self-employed:
 - a. the name and address of the employer;
 - 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 in an amount to be determined by the chief of police;
 - (F) The amount of the license fee tendered with the application;
 - (G) The signature of the applicant or agent making application;
 - (H) The date of application;
 - (I) Evidence of satisfaction of state registration, bonding, or insurance if required, including registration number and expiration date.
- (2) Prior to approving or denying an application, the city may require the applicant to supply any additional information necessary to determine the applicant's qualifications for the license. Review of an application shall not begin until all requested information has been provided.
- (3) At the time of filing the application, the applicant shall pay a fee, (as set out in the City of Aumsville fee schedule) to the city to cover the cost of investigation.

Section 6. Investigation and Issuance.

- (1) Upon receipt of a peddler's license application, the city may refer the original application to the police chief who shall cause an investigation of the applicant's business and moral character to be made as may be necessary for the protection of the public.
- (2) If, as a result of the investigation, the character or business responsibility of the applicant is found to be satisfactory, the police chief shall endorse on the application his approval.
- (3) If, as a result of the investigation, the character or business responsibility of the applicant is found to be *unsatisfactory*, the police chief shall endorse on the application his disapproval and his reasons for the same.
- (4) The police chief, or his agent, shall investigate and approve or disapprove of the application within 10 days from the receipt of the application. If the application is not approved or disapproved within the time allowed, the police chief is considered to have given his consent and approval of the application.
- (5) Approval of Application.
 - (A) The city administrator shall issue a decision on an application within 30 days of the submission of a complete application form, all requested additional information, and fee.
 - (B) The city administrator may issue a license upon finding that the applicant has met all requirements of federal, state, and county laws, and applicable city ordinances.
 - (C) If the application is approved, the city administrator shall notify the applicant. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license, which the city administrator deems necessary to protect the public health, safety or welfare, or which are required by federal, state, or county law, and applicable city ordinances.

Section 7. License Fees.

- (1) All business license fees shall be determined by resolution of the city council.
- (2) All revenues from license fees shall be deposited in the general fund. Any costs involved in the enforcement or administration of this ordinance shall be expended from the general fund.

Section 8. Registration.

- (1) Charitable, religious, or political organizations, or persons, and those organizations or persons conducting lawful surveys or canvassing the city of Aumsville are required to contact the city administrator or the chief of police and furnish information as to dates and times they will be conducting operations in the city.
- (2) The term of a business license or home occupation license, is for a period of one year beginning July 1 through June 30. If a license is issued during the year, it will need to be renewed by June 30.
- (3) The term of a peddler's or transient license is determined at the time of application for a period no longer than 30 days.

Section 9. Transfers and Relocations.

- (1) No peddler's license issued under this ordinance may be used by a person other than the one to whom the license is issued.
- (2) Peddlers are required to have license with them at all times and display license so it is visible to homeowner.
- (3) In the event of the transfer of ownership of any business, the applicable business license may be transferred only by application of the new owner to the city administrator. The transfer may be approved upon finding that the new applicant meets the requirements of all applicable city ordinances.
- (4) In the event a business relocates, the licensee shall reapply to the city administrator to transfer business license. The new license may be issued upon finding that the new location meets the requirements of all applicable city ordinances.

Section 10. Denial, Suspension, or Revocation of License.

- (1) A license issued under this ordinance may be denied, suspended, or revoked by the city administrator after notice for any of the following causes:
 - (A) Fraud, misrepresentation or false statement contained in the application for a license;
 - (B) Fraud, misrepresentation or false statement made in the course of carrying on the license activity;
 - (C) A violation of this ordinance;
 - (D) Conviction of any crime or misdemeanor involving moral turpitude, or;
 - (E) Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (2) The license shall contain the signature of the issuing officer and shall show 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
- (3) 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 11 of this ordinance.
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 11. Appeal.

- (1) 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 the council shall be filed with the city administrator within 15 days after the denial of license or suspension or revocation.
- (2) The 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.
- (3) The decision of the council on such appeal shall be final and conclusive.

Section 12. Disclaimers, Exceptions, General Requirements, Exemptions.

- (1) 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.
- (2) 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 the city council. No person having paid the fee required, and having made application for a business license, shall be entitled to a refund.
- (3) General License Requirements. In addition to any other requirement of this ordinance, each licensee shall:
 - (A) Conform to all federal, state and local laws and regulations, the provisions of this ordinance, and any rules adopted hereunder.
 - (B) Notify the city within 10 days of any change in material information contained in the application, related materials, or license.
 - (C) Displaying of License.
 1. Businesses with established place of business shall display business license in a conspicuous place at all times.
 2. 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.

Section 13. Specific Requirements.

- (1) 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.
- (2) 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.

Section 14. Exemptions.

(1) The license requirement does not apply to temporary businesses established for the purpose of supporting a festival or outdoor market.. Business or vendors are limited to events that last no longer then 72 hours.

Section 15. Violations and Penalties.

- (1) Any person or business convicted of violating any of the provisions of this ordinance shall be punished by a fine not to exceed \$500 for any one offense, each day constituting a separate offense.
- (2) Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this ordinance, or when necessary to investigate an application for, or revocation of a license under any of the procedures prescribed in this ordinance, officials responsible for enforcement or administration; of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation, provided they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.
- (3) Abatement. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.
- (4) Legal Proceedings by City Attorney. 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 16. Repeal. Ordinance No. 269, enacted October 13, 1981, and Ordinance 567 enacted October 10, 2006 is hereby repealed.

Section 17. Severability. The 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.

PASSED by Council on the 13th day of November 2017and SIGNED by the mayor the 13th day of November, 2017.