

ORDINANCE NO. 136

AN ORDINANCE LICENSING BUSINESSES LOCATED OR OPERATING WITHIN THE CITY OF WESTFIR FOR THE PURPOSE AND REGULATION OF REVENUE; FIXING THE FEES THEREFORE; PROVIDING THE MANNER AND METHOD OF APPLYING FOR AND ISSUING LICENSES. REPEALING ORDINANCE NO. 126.

The City of Westfir, Oregon ordains as follows:

Section 1. Definitions.

(A) Person, an individual or organization, firm, co-partnership, corporation, company, association, society, organization, league, church or religious organizations, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

(B) Business, any profession, trade, occupation, or pursuit of business including shops, stores, places of entertainment, and every other kind of profession, trade, occupational pursuit of business carried on ostensibly for the purpose of profit or livelihood, whether or not any profit is made.

Section 2. License Required.

(A) It shall be unlawful for any person as defined to conduct, engage in, or practice any business trade, profession, or occupation, as defined, within the City of Westfir without first securing a license and paying the fee as prescribed herein, save those exempt by specific Oregon statutes or exempt in Section 3.

(B) Rental of two or more apartment units or two or more single family dwelling units requires a business license.

(C) Businesses with offices located outside of the City of Westfir, but doing business within the city limits of the City of Westfir require a business license.

Section 3. License Exemptions.

(A) Nonprofit organizations. Nothing in this chapter shall be construed to apply to any nonprofit business or organization, including instances where the nonprofit business or organization serves as sponsor of an event (except that refundable deposits may be required), but proof of a business's or organization's nonprofit status may be required.

(B) Garage sales. Garage sales may be conducted without obtaining a business license providing that all requirements regarding garage sales are met, to wit:

- (1) No sponsor may conduct more than three garage sales in a one year period.
- (2) No sale may last longer than three days.
- (3) No more than three sales may be held at the same location in a one-year period regardless of sponsor.

(C) Others. The following are also exempt from needing a business license:

- (1) Newspaper & Postal carriers shall be exempt from this Ordinance.
- (2) Public utilities and businesses covered by franchise ordinances and making payments of fees under such franchises.
- (3) Any person for mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City (i.e. Appliance deliveries, furniture deliveries, etc.)
- (4) Any person rendering home or personal care to any incapacitated person in exchange for wages.

Section 4. Transfer Ability. No license shall be transferrable.

Section 5. Refunds of license and Revocation of License.

(A) Any license granted under the provisions of this Ordinance may be revoked or suspended by the City Council after a full and complete hearing provided due cause has been shown for the suspension or revocation. If any license is suspended or revoked, there shall be no reimbursement for any fee or portion of fee that has been paid.

(B) If after hearing upon the granting of any license the Council refuses to grant such license, the applicant shall be refunded any license application fee.

Section 6. Expiration of License.

Any license issued shall be for a term for the fiscal year commencing on July 1, and expiring on June 30, of the following year. No license shall be for less than the fiscal year except temporary and special licenses as indicated below.

All fees shall be for the full year and no rebates will be made for a license commencing after the beginning of the fiscal year. Renewal notices will be mailed in June with a fee schedule. Annual license renewals are due July 1, and are subject to a fine per month for any fee that is not paid on or before August 1.

Section 7. Penalties.

Any person who violates any provision of this Ordinance may be deemed guilty of a misdemeanor, and subject to a fine of not more than \$250.00.

Section 8. Application.

Any person requesting a license shall apply to the City Recorder, upon forms to be furnished by the City, with the proper fee. If the application is denied, the applicant may request reconsideration, and formal public hearing will be held.

Section 9. Approval or denial of the application.

Approval or denial of the permit shall be based on consideration of all available evidence as to whether the proposed business will meet the requirements of the City Charter and ordinances. The license may not be granted if:

- (1) The activity or device to be licensed would not comply with city ordinances or state or federal laws;
- (2) The licensed activity or device would endanger property or the public's health or safety;
- (3) The applicant's violation of law or ordinance represents a reasonable doubt about the applicant's ability to perform the licensed activity without endangering property or the public's health or safety;
- (4) The applicant fails to supply the information required, submits misleading or false information, or submitted misleading or false information on a previous application;
- (5) The premises to be used by the business do not fully comply with all ordinances and requirements of the city or superseding authority.

Section 10. Hearing.

If an application for a license is denied, and a hearing is requested, the applicant may present their case including the calling of any witnesses and the presentation of any and all evidence to the full City Council for consideration. The Council will vote to deny or approve the petition and that decision will be final.

Section 11. Display. The license shall be displayed in a prominent place where the business is usually conducted.

Section 12. Rates.

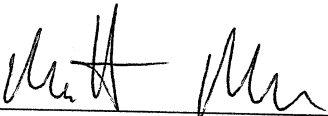
The rates, late fees, or other charges shall be set by Council. The rates, late fees, or other charges shall be established by a written resolution without the necessity of amending this ordinance. Such Resolution when duly passed shall provide the lawful rates, late fees and charges of the city in connection to doing business within the City of Westfir.

Section 13. Declaration of Emergency.

It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of The City of Westfir, and an emergency is hereby declared to exist, and the Ordinance, and all provisions modifying the Ordinance referred to herein, shall take effect in full force when signed by the Mayor.

Section 14. Repeal of Ordinance. Ordinance # 126 is hereby repealed in its entirety.

Passed by the Council and approved by the Mayor on this 6th day of June, 2016.
AYE: 4, NAY: 0 ABSENT 0.



Matt Meske, Mayor

ATTEST: 

Larisa Worthington, City Recorder

DATE: 6/6/16