

VERNONIA ORDINANCE

BUSINESS

ORDINANCE 303

An Ordinance Providing for Licenses upon Trades, Shops, Occupations, Professions, Businesses, and Callings for the Purpose of Revenue and Regulation; Providing for the Method of Issuing Licenses; Providing Penalties for Violation thereof; Repealing Ordinances No. 213 and 257 and Repealing all Ordinances in Conflict herewith; and Declaring an Emergency

The City of Vernonia does ordain as follows:

Section 1. [Definitions]

- a. As used in this ordinance, "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventures, societies, and individuals transacting and carrying on any business in the City of Vernonia, 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 purposes of this ordinance, be deemed a person transacting and carrying on any business in the City of Vernonia, 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. [Application of Provisions]

- 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. And the sums thereby received shall be paid to the treasurer of the City of Vernonia and held in the general fund of the City and be subject to disbursement as other funds in the payment of any expense, liability, or obligation of the City, however incurred.
- 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 Vernonia, Oregon, regulating any business herein required to be licensed; and all such businesses shall remain subject to the regulatory provisions of any such ordinance or Ordinances now or hereafter in effect; and the persons engaged therein liable to the payment of any license fees therein provided for.

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Section 2, [Application of Provisions. Continued.]

c. Nothing in this Ordinance shall be construed to apply to any person transacting and carrying on any business within the City of Vernonia, 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 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 Vernonia 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 Vernonia, Oregon.

Section 3. [License Required]

a. There are hereby imposed upon all business trades, shops, professions, callings and occupations, license fees in the amount hereinafter prescribed, and it shall be unlawful for any person to transact and carry on such businesses in the City without first having obtained a license therefore for the current year as herein provided and complying with any and all application provisions of this Ordinance.

b. Except as otherwise provided, all licenses shall be issued annually and shall expire on the 30th day of June. There shall be no special consideration given to license applicants for "one-time" operations, but there shall be a prorating for businesses operating during only part of a year.

c. License fees herein required shall be due and payable on the first day of July and such fees shall be delinquent on and after the 1st day of August. Licenses for persons engaging in business after July 1st shall be due and payable upon such person engaging in business and shall be delinquent if not paid within ten days after beginning to engage in business.

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 herein provided, but warehouses used solely incidental in connection with the business license pursuant to the provisions of this Ordinance and operated by the person conducting such business shall not be a separate place of business or branch establishment. (Amended by ORD 476, passed June 29, 2973 and ORD 508 passed, May 16, 1977.)

Section 4. [License Applications]

a. It is hereby made the duty of the City of the City of Vernonia to collect all license fees for all licenses required under the provisions of this Ordinance. They shall issue to the applicant, upon compliance with the provisions of this Ordinance and the payment of the license fee, a license receipt for the amount paid as hereinafter provided. (Amended by ORD 765 passed August 6, 2001)

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Section 4. [License Applications. Continued]

- b. The Applicant for a license shall, in writing, give the following information to the City. (Amended by ORD 765 passed August 6, 2001)
1. A description of the trade, shop, business, profession, occupation, or calling to be carried on within said 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.

Section 5. [License Receipt: Form] License receipts shall be issued on printed forms to be provided by the City of Vernonia, and shall be bound in books of one hundred and numbered consecutively, with a stub bearing a corresponding number. Every license receipt issued by virtue of this Ordinance shall be subscribed by the City and bear the date issued, and shall contain the name of the person, firm, company, or corporation to whom issued, and shall set forth therein the purpose, trade, business, profession, or pursuit thereof, and if issued to a peddler, shall state whether authorized to travel by conveyance, specifying same, and shall contain such other information as may be required by the provisions of any Ordinance or Regulation of the City Council. (Amended by ORD 765 passed August 6, 2001)

Section 6. [Exhibition of License] Every person, firm, company, or corporation conducting, carrying on, engaging in, or pursuing any trade business, occupation, profession, or pursuit upon which a license is imposed by this Ordinance, must, when the marshal or any other officer of the City shall demand the same, forthwith produce and exhibit to such officer the license receipt provided in the preceding section of the Ordinance. Any person, firm, company, or corporation aforesaid who is engaged in, carrying on, conducting, or pursuing any such business, trade, occupation, profession, or pursuit at a certain place designated in such license shall post and keep posted in a conspicuous place in said place of business the said license receipt during the term thereof. The failure to produce and exhibit such receipt, or failure to keep the same posted as provided herein, is hereby declared a violation of the Ordinance and punishable as herein provided.

Section 7. [Licenses Not Assignable: Fees not Refundable] No license granted or issued under any of the provisions of this Ordinance shall be in any manner assignable or transferable, or authorize any other person than therein named to conduct, carry on, or engage in such business, trade, occupation, profession, or pursuit than therein named and licensed, or authorized the same to be carried on, conducted, or engaged in at any other place than as named in such license receipt. No license fees shall be refunded for any reason whatsoever.

Section 8. [Revocation of License] If the City determines that a licensed business is violating City Ordinances, State law or Federal law, the City shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least 30 (thirty)

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Section 8. [Revocation of License. continued]
days before the revocation. If the violation ends within the 30 (thirty) days, the City may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions for appeal in Section 9A. (Amended by ORD 591, passed Feb. 6, 1984 and Amended by ORD 765, passed August 6, 2001)

Section 9. [Suspension of License] If a licensed business presents an immediate danger to persons or property, the City may suspend the license for the business at once. The suspension takes effect immediately upon notice of the suspension's being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application. The notice shall be mailed to the licensee, state the reason for the suspension, and inform the licensee of the provisions for appeal under Section 9A. The City may continue a suspension so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 9A. (Amended by ORD 591, passed Feb 6, 1984 and ORD 765, passed August 6, 2001)

Section 9A [Appeal]

1. An applicant whose application for a license has been denied, or a licensee whose license has been denied renewal, has been suspended, or is to be revoked, may within 30 (thirty) days after the notice of denial, suspension or revocation is mailed, appeal in writing to the Council.
2. The appeal shall state:
 - a. The name and address of the appellant;
 - b. The nature of the determination being
 - c. The reason the determination is incorrect; and
 - d. What the correct determination of the appeal should be.
3. An appellant who fails to file the statement within the time permitted waives objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The council shall hear and determine additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal 14 (fourteen) days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final. (Amended by ORD 591, passed Feb. 6th, 1984)

Section 10. [Classification and License Fee] All persons engaged in professional or personal vocations, trades, businesses, occupations, or other pursuits carried on in the City of Vernonia, regardless of whether such person conducts such activities from regular places of business in the City of Vernonia, shall pay an annual business license fee to the City of Vernonia. The amount of said annual business license fee shall be set by resolution of the City Council (Amended by ORD 716, adopted June 16th, 1997)

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Section 10.1 [Additional Fee] In addition to the license fee set forth in Section 10, all employers shall pay an additional annual license fee, as set by Resolution of the City Council, for each employee over two employees (Amended by ORD 716, adopted June 16th, 1997)

Section 11. [Repealed by ORD 476, passed June 29, 1973]

Section 12. [Repealed by ORD 476, passed June 29, 1973]

Section 13. [Licenses for Combination of Businesses] When more than one business, trade, occupation, profession, or pursuit shall be conducted, carried on, engaged in, or pursued in the same place of business by the same person, firm, or corporation, each of the said enterprises shall be plainly noted on the said license receipt, and a business license fee shall be collected in full for each of said enterprises. (Amended by ORD 476, passed June 29, 1973.)

Section 14. [General License Requirement] That in case any such person, firm, company, or corporation shall own or conduct a trade, business, or profession, or a branch trade, business, or profession for which a license is required by this Ordinance, be the same mentioned or not, such person is required by this Ordinance to procure the license hereby imposed for such trade, business, or profession or branch, the same as is required to conduct other business, trade, profession, occupation, or pursuit of the same class.

Section 15. [Peddlers and Hawkers] Every person, firm, company, or corporation desiring to peddle, vend, or hawk any goods, wares or merchandise or other things within the corporate limits of the City of Vernonia, shall pay a license fee of \$30.00 for two days or a fraction thereof. (Amended by ORD 476, passed June 29, 1973 and August 6th 2001)

Section 16. [Canvassers and Traveling Salesmen] Any person, firm, company, or corporation desiring to peddle or solicit orders for the sale of books, albums, maps, pictures, merchandise, or any other goods within the corporate limits of the City of Vernonia, whether for immediate or future delivery, shall first obtain a license therefore as provided in Section 15 of this ordinance; provided, that no license tax shall be imposed by this Ordinance on the business, dealing, pursuit, occupation, or trade of any person, firm, company, or corporation which is concerned with property which is at the time of soliciting the order therefore outside of the State of Oregon to be imported, within the same, upon such order.

Section 17. [Violation and Penalty] A person who violates a provision of this Ordinance, or the clerk, agent or manager of a company, firm or corporation who violates a provision of this Ordinance is guilty of an offense punishable by a fine not to exceed \$200. (Amended by ORD 591, passed Feb. 6th, 1984)

Section 18. [Repealed by ORD 591, passed Feb. 6th 1986]

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Section 19. [Unlawful Acts]

a. It shall be unlawful for any person to willfully make any false or misleading statement to the City for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or to refuse to comply with any of the provisions of this Ordinance, or to fail or to refuse to pay before the same shall become 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 shall collect upon the payment therefore and in addition thereto a penalty of ten (10) percent per month of delinquency. (Amended by ORD 765 passed August 6th 2001)

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 may be provided for and levied in any and all instances at any time by the City, and the fees herein provided for may be increased or decreased in any and all instances at any time by the City. (Amended by ORD 476, passed June 29, 1973.)

Section 20. [Additional Remedies] 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 Municipal Court of any complaint for the violation of any of the provisions of this Ordinance. (Amended by ordinance 765 passed August 6th 2001)

Section 21. [Severability clause]

Section 22. [Repealing clause] Ordinance 213, and Ordinance 257, and all Ordinances and parts of Ordinances in conflict herewith are hereby repealed; but violations of the same shall be punished pursuant to the provisions thereof as in force and effect at the time of any violation thereof.

Section 23. [Emergency clause]

Passed October 5, 1949.