

Title 5 BUSINESS LICENSES AND REGULATIONS

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- 5.08 Alcoholic Beverages
- 5.12 Amusement Devices
- 5.16 Security Patrol Services
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Chapter 5.04 BUSINESS AND OCCUPATION LICENSES

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5.04.010 Definitions.

As used in this chapter:

“Business” means professions, trades, occupations, shops, and all and every kind of calling carried on for profit or livelihood.

“Hawker” means any person who, for himself or herself, or as agent of another, carries for sale and offers or exposes for sale any goods, wares, merchandise, produce, or any article or thing for which a price is asked in or on the streets, or who offers or exposes for sale any such commodity from a doorway, recess, alleyway, vacant lot, or other place facing on a street, whether making outcry or not.

“Peddler” or “peddling” means any sale, or offering for sale, or exposing for sale of any goods, wares, merchandise, produce, or any article or thing for which a price is asked by a peddler in pursuance of his or her occupation as a peddler.

“Solicitor” means any person who goes from house to house or from place to place in the city, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise, or any other article for future delivery, for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery, excepting interstate commerce. (Prior code § 8.000)

5.04.020 Purpose of occupational tax.

A. It is necessary that an occupational tax be levied and fixed for the purpose of securing revenues to assist in regulating and defraying the cost of police and fire protection and cost of other necessary municipal services.

B. The occupational tax required by this chapter shall be in addition to general ad valorem taxes now or hereafter levied pursuant to law, and shall be in addition to license fees prescribed in other parts of this code.

C. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from taxation or regulation by the city by virtue of the constitution of the United States, the

state of Oregon, or applicable statutes of the United States or the state of Oregon.

D. The levy or collection of an occupational tax upon any business shall not be construed to be a license or permit of the city to the person to engage therein in the event such business shall be unlawful, illegal, or prohibited by the laws of the state of Oregon, the United States, or other provisions of this code. (Prior code § 8.005)

5.04.030 Occupational tax.

A. No person may transact and carry on any such business in the city without first having obtained a certificate of occupation therefore for the current calendar year as herein provided or without complying with any and all applicable provisions of this chapter.

B. A tax year for the purposes of this chapter shall commence January 1st of each year and terminate at midnight December 31st of the same year. The occupational tax required shall be due and payable on the first day of January of each year for the calendar year following and shall be delinquent on and after the following first day of February. The occupational tax for persons engaged in any trade, shop, business, occupation, profession, or calling after January 1st any year shall be prorated to the closest quarter of such year and shall be delinquent if not paid within thirty (30) days after the commencement of such occupation.

C. 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 tax provided in Section 5.04.040, but warehouses used solely incidental in connection with a business license pursuant to the provisions of this code and operated by the person conducting such business shall not be separate places of business or branch establishments.

D. No person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary shall, for the purpose of this chapter, be deemed a person transacting and carrying on any business in the city.

E. The agent or agents of a nonresident proprietor engaged in any business for which a tax is required by this chapter shall be liable for the payment of the fee provided in Section 5.04.040 and for the penalties for failure to pay the same or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves proprietors.

F. For the first tax year a business is in operation in the city no occupational tax shall be paid to the city. In order to qualify for this exemption the business may not have conducted business in the city in the previous tax year. A change of ownership in an existing business shall not qualify for this exemption. This exemption does not apply to peddlers or solicitors, who do not maintain a permanent location for the conducting of business within the city. Nothing in this subsection shall relieve any business of obtaining an occupational certificate as required by Section 5.04.050. (Prior code § 8.010)

5.04.040 Amount of occupational license fee.

A. Each business or trade operating from a regular place of business in the city shall pay an occupational license fee, as set by resolution of the council, to the city.

B. Each business or trade not operating from a regular place of business in the city shall pay an occupational license fee, as set by resolution of the council.

C. Producers of farm products raised in Oregon, produced by themselves or their immediate families, shall not be subject to the occupational license fee prescribed herein that may apply to the selling of such products in the city by themselves or their immediate families.

D. Nonprofit service organizations shall not be subject to the occupational license fee prescribed herein, provided their statement of nonprofit is on file with the city. (Prior code § 8.015(1), (3)—(5))

5.04.050 Occupational certificate.

A. A certificate of occupation shall be issued by the recorder upon written application.

B. The application for such certificate shall contain, but not limited to, the following information.

1. A description of the type of business;
2. The name of the applicant;
3. The physical location of the business;
4. Date of application;
5. Annual license fee;
6. Signature of applicant. (Prior code § 8.020)

5.04.060 Misleading statements, nonpayment and reclassification.

A. No person may willfully make any false or misleading statement to the recorder for the purpose of determining the amount of any occupational tax 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 occupational tax or penalty hereby required to be paid by any such person.

B. In the event any person hereby required to pay an occupational tax shall fail or neglect to obtain the same before it shall become delinquent, the recorder shall collect upon the payment therefor and in addition thereto a penalty of five percent of the tax 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 tax payer as a contract obligation on the part of the city as to the amount of the tax hereunder. Other or additional taxes or fees and the tax herein provided for may be increased or decreased and additional or other taxes provided for and levied in any and all instances at any time by the city, and any business may be reclassified or subclassified at any time and other or additional taxes levied upon any thereof or parts thereto. (Prior code § 8.025)

5.04.070 Additional remedies.

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 tax or penalty thereupon for which such person may be liable, nor shall the payment of any tax be a bar or prevent any prosecution in the municipal court of any complaint for the violation of the provisions of Sections 5.04.010 to 5.04.060. (Prior code § 8.030)

5.04.080 Notice of objection.

A. Any person who deems himself or herself to be aggrieved by the classification or imposition of the tax under the terms of Sections 5.04.010 to 5.04.060 shall have the right, within ten (10) days after notice of his or her classification and the amount of his or her taxes, to file a notice of objection to such classification or tax with the recorder. Such notice of objection must be in writing, signed by the person so objecting. Upon the filing of an objection with the recorder, the recorder shall notify the mayor, and the mayor shall appoint a board of appeal to hear such objection. The board of appeal shall consist of three members of the council and three persons subject to tax under the terms of Sections 5.04.010 to 5.04.060, two of whom must be residents of the city. Within thirty (30) days after filing of such objection, the board of appeals shall meet and hear the objections so presented. The same board of appeal may be appointed by the mayor to hear several appeals if the mayor deems such a procedure to be expedient. Several hearings may be set for the same session of the board of appeal.

B. After the hearing on any objection, the board may forthwith render its decision pursuant to the powers hereinafter set forth and notify the objecting party and note the same in the minutes of the board. The board may, at its option, take such objection under advisement for a period to not exceed ten (10) days and shall, under such circumstances, mail to the objecting party notice of its decision at such address as may be designated by the objecting party, such mailing to be within ten (10) days following the hearing. Failure of the board to act upon any objection within ten (10) days following the hearing shall be deemed to be an automatic allowance of the objection made.

C. The board shall choose one of its members to act as secretary and one of its members to act as chairperson, and shall conduct its proceedings in an orderly manner and make such rules as may be necessary for the conduct of the proceedings. Upon the completion and decision of all matters pending before any board of appeal appointed at any time, the board shall be automatically dissolved.

D. The board of appeal, in rendering its decision with regard to any such objection, may change the classification of objecting individuals or firms to such classification as the board may deem proper. The board of appeal may reduce the amount of tax assessed against any individual or firm when it appears to the board that the business is only a part-time business or there is other compelling reason why the full amount of tax as specified in this code would be unreasonable, inequitable or unjust. A decision by the board disallowing the objection shall be deemed to be a decision that the classification and amount of tax are both reasonable, equitable and just. Decisions of the board as to all matters of objections brought before it shall be final, and no facts examined and found by the board shall be reexamined and found by the council or any other governmental unit or body. (Prior code § 8.035)

CITY OF ESTACADA BUSINESS LICENSE APPLICATION

Business Name: _____ Phone #: _____

Business Physical Address: _____

Mailing Address: _____ City _____ State/Zip _____

Type of Business: _____

Have you had a prior business license in Estacada? If so list names _____

Are you licensed in any other city? If so where? _____

Owner/Operator Name & Title _____ Phone #: _____

Building Owner Name: _____ Phone #: _____

Building Owner Address: _____

Emergency Contact: _____ Phone #: _____

Hazardous materials stored or used on premises? _____

I hereby certify that the information contained herein is true to the best of my knowledge. I agree to abide by the ordinances of the City and to correct any hazards or violations as they may pertain to the above business. Issuance of this license does not guarantee that the use conforms to the City of Estacada's land use regulations.

Print Applicants Name _____

Applicants Signature _____ Date _____

Fees: Non residents (outside City Limits): Annual = \$100.00
Residents (inside City Limits): Annual = \$75.00
Solicitors Permit: Daily = \$35.00 per person

<p><u>Inside City Limits Applicants must have this section completed before submitting</u></p> <p>This application conforms with all City standards</p> <p>_____</p> <p>Public Works Approval</p> <p>_____</p> <p>Date <i>see reverse</i></p>

Return completed forms to:
Estacada City Hall
PO Box 958/475 SE Main Street
Estacada, OR 97023
503.630.8286

<p><u>Inside City Limits Applicants must have this section completed before submitting</u></p> <p>This application conforms with all Fire Department regulations</p> <p>_____</p> <p>Estacada Fire Department Approval</p> <p>_____</p> <p>Date <i>see reverse</i></p>
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DO NOT WRITE BELOW LINE

License # _____ Date Issued _____ Fee _____

Receipt # _____ Expires _____ Comments _____

City of Estacada
Business License Application Checklist

Planning Department

Zoning

503-630-8286

- Any change in the floor plan or building use will require the submission of a new plan showing the proposed layout and use of each room.
- Does the proposed business fall under the “outright permitted uses” of the property zone? Will this business require a conditional use, variance, etc.?

Public Works Department

Utilities/Building Permits

503-630-8274

- Will you be altering any signs or installing new signs? A sign permit may be required. (A sign audit will be required to ensure that the signs conform to the Estacada City Code.)
- Will you be doing any remodeling inside of the building? A building permit may be required (plumbing/utilities, electrical, retail infill, etc.) for the proposed work. All improvements need to be done in accordance with all City and State requirements.
- An off-street parking plan will be required. This is to ensure that all new businesses have adequate off-street parking as prescribed by the Estacada City Code (16.76.010).

Estacada Fire Department

Fire Marshall

503-630-7712

- Maximum Occupancy Rating
- Fire & Life Safety Survey
- Other Fire Department Regulations

I hereby certify that I am the legal owner of the aforesaid business and that I have read and understand each of the conditions that are listed above as being a part of the City of Estacada approval of my business license application. I further certify that I have read the checklist above and I agree to comply with any of the provisions above that pertain to my business development.

Property Owner: _____ Date: _____