

Title 5

BUSINESS LICENSES AND REGULATIONS

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- 5.04 Business Licenses Generally
- 5.08 Amusement Devices
- 5.12 Peddlers and Solicitors
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Chapter 5.04

BUSINESS LICENSES GENERALLY

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- 5.04.010 Purpose.
- 5.04.020 Definitions.
- 5.04.030 Licenses required.
- 5.04.040 License application requirements.
- 5.04.050 Authorization to grant or deny a business license.
- 5.04.060 Procedure for taking action on a business license application.
- 5.04.070 Conditions.
- 5.04.080 Building permits for an approved business license.
- 5.04.090 Termination of a business license.
- 5.04.100 Posting of license.
- 5.04.110 Expiration and renewal.
- 5.04.120 Violations and penalties.

5.04.010 Purpose.

The city council finds that it is in the public interest and necessary for the preservation of the public health, safety and welfare, and to assist businesses with police and fire protection to require all businesses within the corporate limits of the city of Mill City to license such businesses with the city. (Ord. 330 § 1, 2005)

5.04.020 Definitions.

As used in this chapter:

“Business entity” means an individual, firm, company, corporation, association or partnership conducting any trade, profession, occupation or pursuit for gain or a tax-exempt organization which sells food or liquor on its premises.

A business entity does not include:

1. Tax-exempt Organizations. Any organization that has an exemption from income taxes, from the Internal Revenue Service and the state of Oregon Department of Revenue, except as noted above;
2. Exclusively Licensed Businesses. Businesses exclusively licensed by the state of Oregon, or the activities of which are exclusively subject to regulations by the United States as being solely interstate in character;
3. Garage Sales. The periodic sale of personal property by an individual or group of individuals at their own personal residence.

“Place of business” means a business location inside the city of Mill City which is within an enclosed building which meets the requirements of all city and county building requirements and all other city ordinances. “Temporary business entity” means a business entity whose conduct in the city is temporary. This includes, but is not limited to:

1. Peddlers, e.g., business entities who travel within the city and sell and deliver merchandise or services at one and the same time;
2. Solicitors, e.g., business entities traveling within the city, carrying goods, but taking orders for future delivery;
3. Business entities occupying a temporary fixed location, e.g., portable food stands, etc.;
4. Transient merchants selling and delivering from stock on hand; and including any auction, antique, rummage, tailgate, or any other sale of similar nature wherein all or part of the goods consist of used personal property.

Temporary business entity shall not apply to any sale which is operated by, or the proceeds go to, a recognized charitable (or religious) organization or institution. (Ord. 330 § 2, 2005)

5.04.030 Licenses required.

On or within thirty (30) days from the effective date of the ordinance codified in this chapter, the following business entities are required to obtain a business license from the city:

- A. Business entities described in Section 5.04.020 of this chapter which operate from a place of business within the city limits of Mill City;
- B. Temporary business entities described in Section 5.04.020 of this chapter.

It shall be a violation of this chapter for any business entity to conduct, engage in, carry on, or practice any trade, profession, occupation or pursuit for gain within the city of Mill City without first securing a business license from the city of Mill City and paying the license fee prescribed in Section 5.04.040 of this chapter. (Ord. 330 § 3, 2005)

5.04.040 License application requirements.

Application for all licenses required by this chapter shall be made to the city on forms prescribed by the city. The application forms shall provide for information necessary to determine the identity and address of the business, compliance with city zoning requirements and building code requirements, name of the owner and/or person to contact in case of an emergency. An application fee in an amount set by resolution shall accompany each license application. (Ord. 330 § 4, 2005)

5.04.050 Authorization to grant or deny a business license.

The city administrator may approve a business license application, where it can be shown that the business is a use permitted under the city zoning code and the business complies with the building code, the city's public works improvement requirements and state licensing requirements. A business license will be denied if the proposed use does not comply with any of the zoning regulation, building code requirement, public improvement requirement or state licensing/certification requirement. (Ord. 330 § 5, 2005)

5.04.060 Procedure for taking action on a business license application.

The procedure for taking action on an application for a business license shall be as follows:

A. A person may initiate a request for a business license by filing an application with the city using forms prescribed by the city and by paying the necessary filing fee.

B. Before the city administrator may act on a business license application, the application shall be reviewed for compliance with the city zoning code, building code and public works improvement requirements.

C. Within fifteen (15) working days after the application is submitted to the city, the city administrator shall either approve or deny the application.

D. The decision of the city administrator may be appealed to the planning commission, by filing a written appeal with the city within fifteen (15) days of the city administrator's decision. The planning commission will consider the appeal at the next regularly scheduled planning commission meeting. The planning commission may uphold the decision, modify the decision and any conditions of approval or reverse the decision of the city administrator.

E. The decision of the planning commission may be appealed to the city council within fifteen (15) days of the planning commission's decision. The city council will consider the appeal within thirty (30) days of receipt of a written appeal. The city council may uphold the planning commission decision, modify the decision and any conditions of approval or reverse the decision of the planning commission. The decision of the city council is final.

F. The mayor shall sign all approved business licenses. (Ord. 330 § 6, 2005)

5.04.070 Conditions.

In approving a business license, the city administrator may attach conditions which he/she finds are necessary to comply with the city's zoning, building and public works requirements. Such conditions shall apply to the applicant for such a business license and to any purchaser, renter, lessee or subsequent owner of the subject business. The city administrator may grant a temporary business license for up to six months to allow the applicant to comply with the conditions of approval. (Ord. 330 § 7, 2005)

5.04.080 Building permits for an approved business license.

Building permits for all or any portion of an application involving an approved business license shall be issued only on the basis of the plan as approved by the city. (Ord. 330 § 8, 2005)

5.04.090 Termination of a business license.

A business license may be revoked on any one or more of the following grounds:

- A. Approval of the business license was obtained by fraud or misrepresentation;
- B. The use for which approval was granted has ceased to exist;
- C. The use does not meet the conditions specifically established for it at the time of approval of the application;
- D. The business is in violation of any other applicable statute, ordinance or regulation. (Ord. 330 § 9, 2005)

5.04.100 Posting of license.

A. Except as provided in subsection B of this section, the license or permit shall be posted in a conspicuous place upon the business premises, available for inspection by the public, employees and prospective employees of the business.

B. If the licensee has no office, business premises or other established place of business within the city, the license shall be at all times in the possession of the representative of the business present within the city while business is being transacted by any employee or representative within the city. (Ord. 330 § 10, 2005)

5.04.110 Expiration and renewal.

A. Business licenses are valid for up to three years. Licenses issued between January 1st and June 30th shall expire on December 31st of the final year of the license. One year licenses granted after July 1st of a given year shall expire on December 31st of the following calendar year.

B. All business licenses issued prior to the date of the adoption of the ordinance codified in this chapter shall expire on December 31, 2005.

C. Business licenses shall be void if the name of the business changes, the location of the business changes, ownership changes or the business goes out of business.

D. Business licenses shall be renewed annually or every three years at the option of the applicant.

E. Business license fees and renewal fees shall be set by separate resolution. (Ord. 330 § 11, 2005)

5.04.120 Violations and penalties.

A. Violations.

1. Each day that any person conducts any business in violation of the provisions of this chapter shall be deemed a separate offense.

2. Any violation of this chapter is the responsibility of not only the business entity, but also the partners, executive director, officers, and manager.

B. Penalties. Any person or business entity that violates any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense. (Ord. 330 § 12, 2005)

Chapter 5.08

AMUSEMENT DEVICES

Sections:

- 5.08.010 Short title.
- 5.08.020 Purpose of the amusement device tax act.
- 5.08.030 Definitions.
- 5.08.040 Amusement device tax.
- 5.08.050 Display or operation without securing tax certificate.
- 5.08.060 Certificate duration.
- 5.08.070 Issuance of certificate.
- 5.08.080 Posting of certificate.
- 5.08.090 Transfer or assignment of tax certificate.
- 5.08.100 Violation--Penalty.

5.08.010 Short title.

The ordinance codified in this chapter shall be known as “the amusement device tax act.” (Ord. 200 § 1, 1985)

5.08.020 Purpose of the amusement device tax act.

A. It is necessary that business taxes be levied and fixed for securing revenue to assist in defraying the cost of police protection and other necessary municipal services.

B. The tax required by this act shall be in addition to general ad valorem taxes now or hereafter levied under law and shall be in addition to taxes or fees prescribed in other city ordinances or by federal or state law.

C. Neither the acceptance of the prescribed tax nor the issuance of the applicable certificate shall be construed to constitute a regulation of any business activity or a permit to engage in any activity otherwise prohibited by law, or a waiver of any regulatory licensing requirement imposed by any other city ordinance. (Ord. 200 § 2, 1985)

5.08.030 Definitions.

As used in this chapter:

“Amusement device” means:

1. A coin or token-operated mechanical, electronic, mechanical-electronic or nonmechanical device which is designed for the amusement of the player or operator and is complete in itself, being either a music device or having as its purpose the production or creation of a game of skill, amusement, entertainment, or test of strength, whether or not any motivating force involved is furnished by the player or the device;

2. “Amusement device” shall not include devices used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps, or other

merchandise; or services such as pay telephones, parking meters, money change machines, gas and electric meters, and other distribution of public service.

“Display or operate” means the display of any amusement device for use by the public or the operation by the public of such device, including those amusement devices that are displayed or operated by or for the use of members of any private club, lodge, fraternal society, or other like organization whose membership is limited to a portion of the public.

“Music device” means a device that renders, causes to sound, or releases music or provides visual entertainment where the same may be heard or seen by one or more public patrons. Any separate loudspeaker, phonograph, juke box, or television outlet from which such music or visual picture is emitted from more than one speaker or outlet transmitted from the same mechanism, the several outlets or speakers in each place of business shall be collectively considered one such “music device.” (Ord. 200 § 3, 1985)

5.08.040 Amusement device tax.

A. There is imposed on amusement devices taxed under this Act an annual tax of five dollars per machine.

B. Nothing in this act shall be construed as vesting a right in persons under a contract obligation on the part of the city for the amount or character of an amusement device tax. The tax may be increased or decreased at any time by action of the council.

C. The tax imposed by this chapter shall be subject to proration on a monthly basis. (Ord. 200 § 4, 1985)

5.08.050 Display or operation without securing tax certificate.

A. No person shall display or operate any amusement device without first obtaining an amusement device tax certificate covering the total number of such devices on the premises.

B. If the premises on which such devices are located are owned or managed by a corporation, it shall be the responsibility of the local business manager to obtain the tax certificate. (Ord. 200 § 5, 1985)

5.08.060 Certificate duration.

Certificates shall be valid from the date of issuance to the following June 30th. (Ord. 200 § 6, 1985)

5.08.070 Issuance of certificate.

A. Upon receipt of the annual tax for each machine to be displayed or operated, the recorder shall issue an amusement device tax certificate which shall specify the total number of devices for which the tax has been paid, the premises on which the devices are to be located, and the tax year for which the certificate applies.

B. In the event the owner or manager of premises on which amusement devices are displayed or operated desires to increase the total number of devices on the premises, the recorder shall issue a replacement tax certificate covering the increased total number of devices upon receipt of the additional tax due for the additional amusement devices. (Ord. 200 § 7, 1985)

5.08.080 Posting of certificate.

At all times after the issuance of a certificate, the certificate shall be posted in a conspicuous place upon the premises in which the amusement devices are displayed or operated, available for inspection by officers and employees of the city. (Ord. 200 § 8, 1985)

5.08.090 Transfer or assignment of tax certificate.

A tax certificate issued hereunder may be transferred or assigned in whole upon presentation of the existing certificate to the recorder and issuance of a new amended certificate indicating the change of name or location. (Ord. 200 § 9, 1985)

5.08.100 Violation--Penalty.

A violation of a provision of this chapter is punishable by a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues is a separate offense. (Ord. 200 § 10, 1985)

Chapter 5.12

PEDDLERS AND SOLICITORS

Sections:

5.12.010 Prohibited action.

5.12.020 Exceptions.

5.12.030 Enforcement.

5.12.040 Violation--Penalty.

5.12.010 Prohibited action.

The practice of persons going in and upon private property or calling at residences in the city by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise, and transient photograph solicitors, not having been requested or invited so to do by the owner or owners, occupant or occupants of the private residences, for the purpose of disposing of and/or peddling or hawking the same, or soliciting orders for photographs, is prohibited and declared to be a nuisance. (Ord. 199 § 1, 1985)

5.12.020 Exceptions.

The activities described in Section 5.12.010 shall be exempt from the provisions of this chapter when undertaken for religious, political or charitable purposes, unless the private property owner or occupant has posted a notice expressly prohibiting such solicitations or canvassing. A solicitor or canvasser for a religious, political or charitable purpose shall not go in or enter on any private property or residence so posted. (Ord. 199 § 2, 1985)

5.12.030 Enforcement.

Any law enforcement officer of the city is authorized to enforce the provisions of this chapter. (Ord. 199 § 3, 1985)

5.12.040 Violation--Penalty.

Violation of a provision of this chapter shall, upon conviction, be punishable by a fine not exceeding five hundred dollars (\$500.00). (Ord. 199 § 4, 1985)

Chapter 5.16

LIQUOR CONTROL STATUTES ADOPTED

Sections:

5.16.010 Oregon Liquor Control Law adopted.

5.16.020 Violation--Penalty.

5.16.010 Oregon Liquor Control Law adopted.

Violation of a provision of ORS Chapters 471 and 472 is an offense against the city. (Ord. 198 § 1, 1985)

5.16.020 Violation--Penalty.

Violation of a provision of the chapters adopted in Section 5.16.010 is punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment not to exceed ten (10) days, or both. However, if a lesser penalty is provided by state law for an identical provision, punishment shall be limited to the penalty prescribed in state law. (Ord. 198 § 2, 1985)

Chapter 5.20

SOCIAL GAMES

Sections:

5.20.010 Social games allowed.

5.20.020 Definitions.

5.20.010 Social games allowed.

The playing or conducting of a social game in a private business, private club or in a place of public accommodation is allowed within the corporate limits of the city. (Ord. 128 § 1, 1974)

5.20.020 Definitions.

As used in this chapter:

“Lottery” means:

1. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones; and

2. The winning chances are to be determined by a drawing or by some other method; and

3. The holders of the winning chances are to receive something of value.

“Social game” means a game, other than a lottery, between players in a private home where no house player, house bank, or house odds exist and there is no house income from the operation of the social games; and a game other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

“Something of value” means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property of any interest therein. (Ord. 128 § 2, 1974)