

Title 5 – BUSINESS REGULATIONS

CHAPTER 5.04 – BUSINESS LICENSE REGULATIONS

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5.04.010 – Purpose and Scope.

This Chapter is enacted to ensure that each business is conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with the public health, safety, and general welfare; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The regulations of the chapter are not intended to permit any violation of the provisions of any other law or regulation and apply to activities within the City of Boardman, including City-owned and leased property.

These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational, or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.04.020 – Definitions.

“Business” means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the City.

“Business License” is an annual or period specific license, issued by the City Manager which is required for persons and entities conducting business for profit within the City.

“Business License Administrator” is the City appointed authority for reviewing, approving, or denying business license applications.

5.04.030 – Businesses or Activities Required to be Licensed.

- A. It shall be unlawful for any person to conduct business within the City without first having obtained the necessary license for the current year as provided under this chapter.
- B. A person engaged in business in more than one location, or operating more than one business, shall make a separate application for each business but only be required to pay only a single license fee.
- C. If more than one business is conducted on the same premises, each owned and operated by

different individuals, each business must obtain a separate license.

- D. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a business within the City of which a license fee is levied by this Chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license fee and will be subject to the penalties for failure to comply with the requirements of this Chapter.
- E. The City may require proof of state registration. An applicant shall possess any county or state license or permit required or shall be awaiting final approval by the state before a City license will be issued.
- F. No person shall do business within the City as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid City business license for the business, no matter where the principal offices of that business are situated.
- G. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license in accordance with the provisions of this chapter.
- H. Bed and Breakfast, Vacation Rentals, and Short-Term Rental uses, meeting the applicable provisions of the Boardman Development Code, shall be required to obtain a business license in accordance with the provisions of this chapter. They may also be subject to the payment of the Transient Room Tax.

5.04.040 – Exemptions.

The following are exempt from the licensing requirements:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors, and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual, provided, however, such exemption will not apply if either of the following conditions are met:
 - 1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
 - 2. Any one such sale has a duration of more than 72 consecutive hours.
- D. Rental of just one dwelling unit for periods of 30 consecutive days or more.
- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.
- F. Persons providing day care services for children in the person's home and in compliance with state law.
- G. Any person who goes into the home of a child to give care during the temporary absence of the parent, legal guardian, or custodian.
- H. Merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- I. The occasional sales of goods and/or services by local school students related to their school and/or school activities, and/or fundraising sales by local service clubs, groups, and/or charitable nonprofit organizations.
- J. Any political group seeking funds or membership.
- K. The following must obtain a business license but are exempt from payment of the license fee:
 - 1. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.
 - 2. Any business exempt from paying local business license fees or taxes by Federal or State

constitution or law.

3. Any business exempt from paying property tax.

5.04.050 – Application Requirements.

Each person desiring to engage in doing business must apply for a license to operate, engage, conduct, or carry on the business on such forms and in such manner as the Business License Administrator may prescribe. Applications are submitted online via the City of Boardman website, through an online application portal. The application must be accompanied by the applicable license fee as established in the City of Boardman Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;
- B. The name and physical address of the business, the address where the business will be located or have its office within the City, and the address of the principal office of such business;
- C. A brief description of the nature of the business, including its primary or predominant business activity;
- D. The date that business operations will commence;
- E. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent applying on behalf of the applicant;
- F. The average number of persons regularly employed;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605;
- I. Identify any local, state, or federal licenses, certificates, registrations, or permits that are required for the business and submit those licenses, certificates, registrations or permits as part of the application;
- J. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant, of the following:
 1. The information stated in the application is true, accurate and complete;
 2. The business complies with all applicable federal, state, and local laws, regulations, and ordinances;
 3. The applicant or authorized agent has read, understands, and agrees to abide by this Chapter; and
 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant;
- K. A notice that the application is a public record, and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505) and other applicable laws; and
- L. Any other information necessary to enable the Business License Administrator or designee to review the application to determine whether the application should be approved.
- M. Once the application is received the application fee will be requested and shall be paid prior to any license under this chapter will be issued except as modified by provisions above at 5.04.030.B.
- N. The following business types may be requested to provide additional information as part of their application for a business license:
 1. Merchant Police
 2. Detective Business
 3. Pawnbrokers
 4. Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers, and Secondhand

Dealers

5. Taxicab or UBER ridership operations

5.04.060 – Application Review and Conditions.

The Business License Administrator may refer each application to the persons or departments designated by the Business License Administrator for review. The license may not be issued if the business as described in the application would not comply with this Title, or other City Codes. Issuance of the license itself does not mean the applicant has complied with all Federal or State laws, and if it is later determined that the applicant has failed to comply with any Federal or State law and fails to correct such violation within thirty (30) days the applicant's license may be revoked as described herein.

The following conditions may be applied to any business license.

- A. Business licenses issued by the City of Boardman must be openly displayed in the place of business or in the case of an itinerant business a copy shall be kept on the person of each individual solicitor.
- B. Temporary businesses not subject to obtaining a temporary use permit shall provide written proof of permission to operate from a specific location, signed by the owner of the building or property from which the temporary business will be operated. Temporary businesses lasting more than two days also require a temporary use permit.
- C. Business licenses are not transferable.
- D. Conduct of business operations shall conform to statements made in the application and with any special conditions of operation imposed upon the business by the city or other regulatory agency.
- E. Business operators and/or customers shall not obstruct traffic along any sidewalk, bike path, or street unless granted by the city through a right-of-way permit, land use permit, or other written approval.
- F. Neither the acceptance of the license fee by the city nor the issuance of the applicable business license shall be construed to constitute a permit to engage in any activity otherwise prohibited by federal, state, or local law, or a waiver of any regulatory licensing requirement imposed by federal, state, or local law.
- G. Employees working for itinerant businesses are:
 - 1. Limited to operating between the hours of 9:00 a.m. and 7:00 p.m.
 - 2. Prohibited from entering upon private property that has been posted “no trespassing” or “no soliciting.”
 - 3. Prohibited from continuing to solicit a person who has declined a request.
- H. The city officials responsible for administering the business license process are directed and empowered to investigate and examine all places of licensed businesses at any and all reasonable times for the purpose of determining whether such place of business is in compliance with all city codes and is safe, sanitary, and suitable for the business so registered or for which such application is made. In the event it is determined by such officers or their agents that such place of business is dangerous to public health or safety, likely to become a menace, or is in violation of city codes, a report of such determination and the reasons therefor shall be made in writing to the city manager. Such investigation shall not be used in the initial approval or denial of a business license, although the report shall be considered in the evaluation of a business license renewal application, to the extent the report bears upon the accuracy of the application contents.

5.04.070 – Fee Schedule

- A. An annual license fee is imposed on the act of doing business within the city. The City Council will annually establish the fees provided for in this chapter as part of the Master Fee Schedule.
- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 15 of

the respective year.

- C. Nothing contained in this chapter shall vest any right in a license as a contract obligation on the part of the city as the amount of the fee. The fees required by this Title may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall apply for all businesses but will only be required to pay the license fee once annually as required under A. through C. above.

5.04.080 – Approval Process.

Approval of Application.

- A. The Business License Administrator shall issue a decision on an application for a license within 30 days of the submission of a complete application and required fee upon a finding that the applicant has submitted all the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local laws.
- B. The Business License Administrator shall issue a license renewal upon finding that the applicant has submitted all of the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local law.
- C. If an application for a new license is approved, the Business License Administrator shall notify the applicant through the online application portal. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license which the Business License Administrator or other review staff deems necessary to protect the public health, safety, or welfare which is required by this Title and applicable federal, state, or local law.

5.04.090 – Denial, Suspension, or Revocation.

- A. Denial, Suspension, or Revocation of Application. The Business License Administrator may deny, suspend, or revoke a license issued under this Title upon finding that:
 - 1. The licensee fails to meet the requirements of, or is doing business in violation of this Title and/or federal, state, or local laws;
 - 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license;
 - 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed activity without endangering property or the public health or safety;
 - 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity; or
 - 5. The licensed activity would endanger property or the public health or safety.
- B. Notice. The Business License Administrator shall provide written notice to the applicant or licensee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee of the right to appeal under 5.04.100 of this Title. For suspensions or revocations, the notice shall be given at least 15 days before the action becomes effective. If the violation ends within 15 days, the Business License Administrator may discontinue the suspension or revocation proceedings.
- C. Reapplication. A person whose application for a business license that has been denied, suspended, or revoked, may, after 90 days from the date of the denial, suspension, or revocation, apply for a license or reinstatement upon payment of the application fee and submission of a complete application.
- D. Disqualification. A person whose application for any license under this Title that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions, or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the final denial, suspension, or revocation.

- E. Summary Suspension. Upon determining that a licensed activity presents an immediate danger to a person or property, the Business License Administrator or designee may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee or being delivered to the licensee business address as stated on the application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee of the provisions for appeal as outlined in 5.04.150.

5.04.100 – Appeal.

In the event an applicant for a license under this Title is denied such license, or in the event a license is suspended or revoked, the applicant or licensee shall have the right to appeal.

- A. The written notice of appeal to the City Manager shall be filed with the Business License Administrator within 14 days after the license denial, suspension, or revocation.
- B. The appeal shall state:
 - 1. The name and address of the applicant;
 - 2. The nature of the determination being appealed;
 - 3. The reason the determination is incorrect; and
 - 4. What the correct determination of the appeal should be.
- C. The City Manager or designee shall review and decide regarding the appeal within 15 days of filing.
- D. Final appeal, if filed by the applicant, shall be filed with the City Manager's office to be heard by the Boardman City Council. The Boardman City Council will hear the appeal at the next regular meeting of the City Council for which there is adequate time to include the appeal information in the Council Packet. The decision of the City Council on the appeal shall be final and conclusive.