

GLENDALE, OR

CHAPTER 110: BUSINESSES LICENSES

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§ 110.01 PURPOSE AND SCOPE.

(A) This chapter is intended to protect public health, safety, and general welfare. It provides the city with a process to collect information on merchants and persons conducting business within the city.

(B) This chapter does not apply to the activities of transient merchants, event sponsors, solicitors, and peddlers that are defined and regulated under Chapters 111 and 112 of this code of ordinances.

(C) The fees imposed by this chapter are for revenue purposes. Neither payment of the fee, nor issuance of a license; permits a person to engage in activity otherwise prohibited by law, nor waives any other regulation imposed by the city.

(Ord. 01-2019, passed 8-12-2019)

§ 110.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The offering for sale, offering to purchase, sale, purchase, or exchange of goods or services to, with, or from the general public or specific clients or customers. The profit motive is immaterial.

LICENSEE. The person, entity, or owner of the business in whose name the business license provided by this chapter is issued.

(Ord. 01-2019, passed 8-12-2019)

§ 110.03 BUSINESS LICENSE REQUIRED.

(A) No person, whether as proprietor, agent, employee, or otherwise, shall conduct business in the city without first obtaining and thereafter holding a valid annual business license pursuant to this chapter, except as otherwise provided. All business licenses expire December 31 of the then current year. A new business license is required each calendar year.

(B) The following activities do not require a business license under this chapter:

(1) Activities of transient merchants, event sponsors, solicitors, and peddlers as defined and regulated under Chapters 111 and 112 of this code of ordinances;

(2) Churches, in the conduct of their worship, community outreach, and social service activities;

(3) In-home activities that involve no personal contact with members of the general public within the city and no activity outside the home, such as on-line internet activities (eBay), writing, consulting, and design services for clients or customers outside the city;

(4) Youth non-profit activities for which admission is not customarily charged, such as scouts, sports, and 4H;

(5) Traditional fundraising activities conducted by persons under the age of 18 years for the benefit of youth non-profit activities, such as church bake sales, door-to-door cookie sales, raffle ticket sales, and donation car washes;

(6) Rental of three or fewer dwelling units. For this purpose, the dwelling units available for rental are counted for all real property owned by the applicant or entity within the city, and include all real property owned by any other entity under common control of the applicant or the owners of the subject entity; and

(7) The activities of government organizations such as the United States federal government and its instrumentalities, the state, the county, the city, school districts, fire districts, water districts, and ambulance districts.

(C) Except as provided above, business activities by non-profit organizations (such as thrift stores) and privately owned public utilities (such as power, telecommunications) do not fall under these exclusions and do require a business license.

(Ord. 01-2019, passed 8-12-2019)

§ 110.04 APPLICATIONS.

(A) Applications for a business license shall be made on forms available from the City Recorder. The application shall be signed by the owner or the owner's authorized agent and filed with the City Recorder upon payment of the fee provided therefor by law.

(B) The applicant shall provide the following information:

(1) The true name of the person(s) who owns and operates the business, along with the driver's license or identification card number of the person submitting the application;

(2) For businesses owned or operated by a corporate entity such as business corporations, limited liability companies, limited partnerships, partnerships, cooperatives, and associations, the following:

(a) The entity's true name and authorizing jurisdiction (such as state of incorporation);

(b) The true name and address of the chief executive officer of the entity; and

(c) The true names and addresses of all owners or members of the entity, except for publicly traded entities.

(3) Any assumed business name used, which must be registered with the Oregon Secretary of State;

(4) Physical address of the business premises, mailing address of the business, telephone and email contact information;

(5) Nature of the business - a description of the goods or services the business will offer for sale, exchange, or purchase, and the outward appearance and format of operations (such as storefront, business office, in-home);

(6) Number of employees, agents, owners, and other persons who will be operating the business during normal operations;

(7) Proposed hours and days of operation;

(8) Any prior denial, suspension, or revocation of a business or professional license issued to, or applied for, by the applicant or the business for which a license is sought;

(9) Any prior criminal conviction of the owner, applicant, or entity for which a license is sought that relates to fraud, theft, or the business activity being conducted;

(10) Any consumer complaints filed against the owner, applicant, or entity with any local or state consumer agency in this state or elsewhere;

(11) Proof of compliance with any federal and state licensing and bonding requirements for the activity; and

(12) Any other information that the City Recorder reasonably determines is necessary to accomplish the purposes of this chapter.

(Ord. 01-2019, passed 8-12-2019)

§ 110.05 APPLICATION FEE.

The applicant shall submit with the application a non-refundable fee in an amount set by Council ordinance or resolution. The fee shall be reduced by 25% for applications for the current year filed after March 31, by 50% for those filed after June 30, and by 75% for those filed after September 30. There is no reduction in fees for applications filed in advance of the year for which the license is requested.

(Ord. 01-2019, passed 8-12-2019)

§ 110.06 LICENSE ISSUANCE.

(A) Upon receiving the application and the non-refundable fee, the City Recorder shall promptly review the application for completeness. The applicant shall have 30 days to correct any deficiencies identified by the City Recorder.

(B) Upon determining the application is complete, the City Recorder shall forward the application to the Mayor and Council for review.

(1) For applications that seek a new business that was not licensed in the previous year, the applicant shall personally appear before the Mayor and Council at a scheduled public meeting.

(2) Applications that request renewal of an existing business license are not required to personally appear unless the Mayor and Council place the renewal application on the consent agenda.

(3) On review, the Mayor and Council shall determine whether the application and proposed business comply with this chapter. The Mayor and Council may set reasonable conditions on the licensee to ensure compliance with this chapter. The decision of the Mayor and Council is final.

(C) Upon the Mayor and Council's determination that the application and proposed business comply with this chapter, with or without conditions, the City Recorder shall issue a business license valid until December 31 of the year for which it is effective. The license shall set forth the name of the licensee, the name of the business if different, the address of the premises, the nature of the business, the date of issuance, and any conditions imposed on the licensee.

(D) The business license must be posted at all times in a conspicuous place upon the business premises, available for inspection by the public, employees, prospective employees, and city agents.

(Ord. 01-2019, passed 8-12-2019)

§ 110.07 LICENSE PROCEDURES.

(A) Change of ownership. Licensees must notify the City Recorder ten days before any change of ownership of the business. The new owner must file a new business application and obtain a license under the new owner's name. Licenses are not transferrable.

(B) Moving or terminating business. Licensees must notify the City Recorder 30 days prior to relocating the business, and promptly upon terminating the business. The Mayor and Council may require a new application if the business will have a substantial change in character at its new location.

(C) Multiple businesses. A business conducted at two or more locations shall be deemed to be separate businesses, each requiring a separate license. An owner conducting two or more businesses at one location shall be deemed one business under one license, except that any business activity operated under concession, franchise, or by a different owner at the same location as a licensed business shall require its own license.

(D) Inspections. The City Recorder or designee is authorized to make lawful inspections of business premises and records to ensure compliance with this chapter.

(E) Evidence of conducting business. In any proceeding concerning violation of this chapter, a person or entity's public representation by way of advertisement or solicitation by mail, newspaper, radio, telephone, television, internet, social media, similar media, or any signs displayed in public view, that such business is being conducted, expressly or implied, offering to sell, exchange, or purchase goods or services in the course of such business to the public or a segment thereof, shall constitute prima facie evidence that the person or entity was transacting the business suggested by such public representation within the city when such representation was made.

(Ord. 01-2019, passed 8-12-2019)

§ 110.08 ENFORCEMENT.

(A) Application denial. The Mayor and Council may deny an application on the following grounds:

- (1) Materially false, misleading, or omitted information in the application;
- (2) Failure to provide proof of compliance with, or violation of, federal and state licensing and bonding requirements;
- (3) Previous ownership or operation of a business under this chapter that has been found to constitute a public nuisance which was ordered abated;
- (4) Conviction of the applicant or owner within the past seven years of any crime relating to fraud, theft, or the business activity being conducted, or any crime which in the opinion of the Mayor and Council bears unfavorably on the character and ability of the person to conduct business with the general public;

(5) The proposed business is not lawful; and

(6) The applicant or owner owes the city any fees or fines, whether related to this chapter or not.

(B) Summary suspension. Upon determination that the conduct of the business creates an imminent threat to life, public health, or property, the City Recorder may summarily suspend the business license for a period not to exceed 30 days, upon issuing a notice to the licensee stating the reason therefor. The notice shall be delivered to the licensee. Suspension takes effect immediately. The licensee may appeal the suspension to the Mayor and Council. The City Recorder may rescind the suspension if the business conduct is remedied. The Mayor and Council shall be promptly informed of the suspension and shall promptly consider whether to revoke the business license.

(C) Revocation. Upon suspension of a business license, or whenever grounds appear, the Mayor and Council may revoke a business license at a scheduled public meeting upon finding that the licensee has violated provisions constituting grounds for denial of an application under this chapter, fails to allow a lawful inspection of the business premises of records, or otherwise violates any provision of this chapter. The City Recorder shall promptly provide written notice of the revocation to the licensee. Notice of revocation shall be given at least 15 days before the revocation effective date unless an appeal or writ of review is filed. The Mayor and Council may suspend a license, or continue a suspension, until the revocation date if the licensee's noncompliance threatens life, public health, or property.

(D) Late renewal. If a licensee with a license that expired December 31 in the prior year fails to renew the license for the current year, and is conducting business in the current year without a new annual license but is otherwise in compliance with this chapter, the City Recorder may accept a late application for renewal with a one-time late charge of \$100 for each calendar month or part thereof that the person conducted business without a license in the current year in lieu of any other penalty.

(E) Legal enforcement. The city may obtain relief, including an injunction, for violations of this chapter.

(Ord. 01-2019, passed 8-12-2019)

§ 110.99 PENALTY.

In addition to, or instead of, imposing any other enforcement remedy available, the Mayor and Council may, upon determining a violation of this chapter, impose a fine of not more than \$100 for every full business day during which a person conducts business in violation of this chapter.

(Ord. 01-2019, passed 8-12-2019)