

Chapter 5.05

BUSINESS REGISTRATION

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5.05.010 Definitions.

(1) “Business,” as used in this chapter, means and includes any manufacturing, trade, occupation, profession, pursuit or business, whether or not carried on or engaged in for profit, including permanent, temporary, or itinerant business.

(2) “Permanent business” means professions, trades, occupations, shops, stores, and including all other businesses carried on at a permanent building or site located inside the city limits of Veneta.

(3) “Temporary business” means professions, trades, occupations, shops, and stores, including all types of businesses that sell or deliver from stock on hand, which operate for a period not to exceed 90 cumulative days in any calendar year, do business in much the same manner as a permanent business, and do not solicit door-to-door on private property.

(4) “Itinerant business” means any business carried on within the city involving the canvassing, sale, or solicitation for sale of products or services by going from door to door on private property within the city either selling, offering for sale, or taking orders for any goods, services, wares, or merchandise for future delivery, or soliciting to do any work or labor upon any personal property. (Ord. 497 § 1, 2010)

5.05.020 Registration required – Fee.

No person shall engage in or carry on any business within the limits of the city without registering said business with the city and paying the registration fee, unless exempt under VMC 5.05.050. (Ord. 497 § 2, 2010)

5.05.030 Fee set by resolution – Expiration.

The registration fee shall be established by council resolution, and shall register said business through December 31st of that year, at which time said registration shall expire and a new registration fee shall be payable. Any permanent business which registers after June 30th of any year shall pay one-half the registration fee, which shall register such business for the remainder of that calendar year. In addition to the business registration fee, each business shall be required to reimburse the city in full for any and all administrative overhead and enforcement expenses incurred by city, including court costs and attorneys’ fees, to obtain that business’s compliance with this chapter. (Ord. 497 § 3, 2010)

5.05.040 Forms – Contents and conditions.

(1) Contents.

(a) Registration forms shall contain the name of the business, the names of its owners, its street location address, its mailing address, its telephone number, and the nature of such business.

(b) Itinerant businesses shall provide the following additional information:

(i) A list of the names, street address, mailing address, and photo identification for all individuals working for the business within the city limits of Veneta.

(ii) If vehicles are used by the itinerant business and by individuals working on behalf of the business within the city limits of Veneta, vehicle license plate numbers, proof of insurance, and driver's license numbers of all operators.

(iii) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery. Post office box addresses shall not be accepted to meet this requirement.

(2) Conditions.

(a) Business registrations issued by the city of Veneta 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 registrations 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 registration fee by the city nor the issuance of the applicable business registration 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:

(i) Limited to operating between the hours of 9:00 a.m. and 7:00 p.m.

(ii) Prohibited from entering upon private property that has been posted "no trespassing" or "no soliciting."

(iii) Prohibited from continuing to solicit a person who has declined a request.

(h) The city officials responsible for administering the business registration process are directed and empowered to investigate and examine all places of registered 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 administrator. Such investigation shall not be used in the initial approval or denial of a business registration 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. (Ord. 512 § 1, 2014; Ord. 497 § 4, 2010)

5.05.050 Exemptions.

This chapter shall not apply to the following:

(1) Insurers, their agents and other representatives;

(2) Persons or businesses whom the city is prohibited from licensing or taxing under the Constitution or laws of the United States, the Constitution or laws of the state or Oregon, or the charter of the city;

- (3) Nonprofit or charitable, religious or educational organizations which have received a tax exempt certificate from the Internal Revenue Service, and which devote the net proceeds from the sale of goods or services to the purpose of the organization;
- (4) Pari-mutuel betting establishments;
- (5) Any city, county, state agency, public utility, special district, school district, or other government agency;
- (6) City-sponsored activities and events;
- (7) Garage sales permitted under Chapter 5.15 VMC;
- (8) Domestic help and care providers;
- (9) Newspaper carriers;
- (10) Wholesale selling or delivering of goods to merchants of the city for the purpose of resale. This exception pertains only if the wholesaler does not maintain a place of business within the city and also does not engage in retail trade within the city;
- (11) Persons or companies engaged in the delivery of goods or services from points outside the city, providing sales contacts and actual sales take place outside the city or are solicited by a registered business or resident of the city by phone, Internet, or other means;
- (12) Individuals such as repairmen or carpet cleaners hired on a casual basis by a household or business to supply labor and/or service only and whose place of business is not located within the city limits of Veneta;
- (13) Building or electrical contractor or subcontractor licensed by the state of Oregon and whose place of business is not located within the city limits of Veneta;
- (14) Businesses operating under a city franchise;
- (15) A warehouse used in conjunction with a registered business but at a separate location or additional locations for a registered business operated by the same owner or franchisee;
- (16) Temporary businesses operating for two calendar days a year or less;
- (17) Property rentals, apartments, and manufactured home parks; and
- (18) Any unincorporated business activity carried on by individuals under the age of 18. (Ord. 497 § 5, 2010)

5.05.060 Violation – Penalty.

Violation of this chapter is a violation as defined in Chapter 1.10 VMC. (Ord. 497 § 7, 2010)