

*Look through Oakridge's ord.
and see if we should be w/ theirs*

AN ORDINANCE PROVIDING FOR LICENSES UPON TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, BUSINESSES AND CALLINGS FOR THE PURPOSE OF REVENUE AND REGULATION; PROVIDING FOR THE METHOD OF ISSUING LICENSES, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Oakridge ord looks good

Section 1.

- (a) As used in this ordinance, "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventurers, societies and individuals transacting and carrying on any business in the City of Lakeside, Oregon.
- (b) As used in this ordinance, "business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit or livelihood, but shall not include any business carried on as a hobby, where the annual profit from such business does not exceed the sum of \$ 6000.
- (c) As used in this ordinance transacting business in the City of Lakeside shall not include suppliers of wholesale goods to businesses located in the City of Lakeside or the delivery of any goods purchased outside of the City of Lakeside.
- (d) As used in this ordinance, "general contractor" means any person who undertakes to or offers to undertake, for consideration, to furnish all of the labor and material necessary or required to construct, alter, repair or add to any building, structure or other work.
- (e) No person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary shall, for the purpose of this ordinance, be deemed a person transacting and carrying on any business in the City of Lakeside, Oregon.
- (f) The agent or agents of a non-resident proprietor engaged in any business for which a license is required by this ordinance, shall be liable for the payment of the fee thereon as herein provided and for the penalty for failure to pay the same, or to comply with the provisions of this ordinance to the extent and with like effect as if such agent or agents were themselves proprietors.

Section 2.

- (a) This ordinance is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed.
- (b) Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business within the City of Lakeside, Oregon, which is exempt from taxation or regulation by the City by virtue of the Constitution of the United States.
- (c) The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the City of Lakeside to the person engaged therein to engage therein in the event such business shall be unlawful, illegal, or prohibited by the laws of the State of Oregon or the United States or ordinances of the City of Lakeside, Oregon.

Section 3.

- (a) There are hereby imposed upon all businesses, trades, shops, professions, callings and occupations not licensed by other ordinances of the City of Lakeside requiring a license fee, license fees in the amounts hereinafter prescribed, and it shall be unlawful for any person to transact and carry on any such business in the City without first having obtained a license therefor for the current calendar year as herein provided, or complying with any and all applicable provisions of this ordinance.
- (b) The license fee shall commence January 1st of each year, commencing with the year 1981 and shall terminate at midnight December 31st of the same year. The fee for any such license issued during the second half of any calendar year shall be one-half of the fee in this ordinance provided for; the fee for any license prior to July 1st of any calendar year shall be the full fee herein set forth.
- (c) The license fee herein required shall be due and payable on the 1st day of January of each year for the calendar year commencing with such date, and shall be delinquent on and after the 1st day of February. Licenses for persons engaging in any

trade, shop, business, profession or calling after January 1st in any year, shall be due and payable from such person engaging in such trade, shop, business, occupation, profession or calling, and shall be delinquent if not paid within thirty (30) days after such person shall engage in any such trade, shop, business, occupation, profession or calling.

(d) Each branch establishment of business or location of a business conducted by any person shall, for the purposes hereof, be separate business and subject to the license therefor herein provided, but warehouses used solely in connection with the business licensed pursuant to the provisions of this ordinance and operated by the person conducting such business, shall not be a separate place of business or branch establishment.

Section 4.
All trades, shops, businesses, occupations, professions, and callings carried on in the City of Lakeside, including but not limited to those enumerated below and not licensed and taxed by other ordinances of the City of Lakeside, shall pay an annual fee as set by resolution.

(a) A Professional business which for these purposes shall mean physicians and medical services, lawyers, accountants, dentists, insurance brokers and agents, realtors and agents, engineers, architects and land surveyors.

(b) A service business, which, for these purposes, shall mean any business except those enumerated in (a) hereof which primarily engages in the activity of providing services in the form of labor, advice or consulting.

(c) A sales business, which for these purposes shall mean any business except those enumerated in (a) and (b) hereof which primarily engages in the activity of selling goods, merchandise and wares either wholesale or retail.

(d) A rental business, which for these purposes shall mean a mobile home park, motel, apartment house or unit.

In the event a business conducts activities at the same location which fall under more than one of the above categories, then for the purpose of determining the license fee therefore, such business shall be considered to fall within the category under which its primary business is conducted. For this purpose, "primary" business means the business from which more than 50% of the gross income of the combined activities is produced.

Section 5.

If any person be engaged in operating or carrying on in the City of Lakeside, Oregon, more than one trade, shop, profession, occupation, business or calling other than at the same location, then such person shall pay the license fees prescribed herein for as many of said trades, shops, professions, occupations, businesses or callings as are carried on by such person, except as herein otherwise specifically provided.

Section 6.

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

Section 7.

(a) All licenses shall be issued by the City Recorder of the City of Lakeside, Oregon.

- (b) The application for such license shall contain the following information:
- (1) Description of the trade, shop, business, profession, occupation or calling carried on within said City.
 - (2) The name of the applicant, with a statement of all persons having an interest in said business, either as proprietors or owners of said business.
 - (3) The location of the place where the business is carried on.
 - (4) Date of Application.
 - (5) Amount of money tendered with application.
 - (6) Signature of the applicant.

(c) In the event of the transfer of any trade, shop, business, profession, occupation or calling, the license therefor shall be transferred, the same to be made upon form provided therefor by the City Recorder, and signed by the person making the transfer. Such transfer shall be filed with the City Recorder and shall be accompanied with a transfer fee as set by resolution and an appropriate entry shall be made by the City Recorder or such in the Record of Licenses.

Section 8.

(a) It shall be unlawful for any person to willfully make any false or misleading statement to the City Recorder for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse to comply with any of the provisions of this ordinance to be complied with or observed by such person, or to fail or refuse to pay before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person.

(b) In the event any person hereby required to obtain a license shall fail or neglect to obtain the same before it shall become delinquent, the City Recorder shall collect upon the payment therefor and in addition thereto a penalty of double the regular fee 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 license as a contract obligation on the part of the City as to the amount of the fee hereunder. Other or additional taxes or fees and the fees herein provided for may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the said City, and any business may be reclassified or sub-classified at any time and other or additional fees or taxes levied. No person having received a license and paid the fee required therefor under this ordinance shall be entitled to any refund.

Section 9.

The conviction of any person for violation of any of the provisions of this ordinance shall not operate to relieve such person from paying any fee or penalty thereupon for which such person shall be liable, nor shall the payment of any such fee be a bar to or prevent prosecution in any Court of Competent jurisdiction of any complaint for the violation of any of the provisions of this ordinance.

Section 10.

Any person violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine of not to exceed Two Hundred Dollars (\$200.00).

Section 11.

The Council of the City of Lakeside, Oregon, hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, and if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12.

The foregoing ordinance was adopted by the Council of the City of Lakeside, Oregon on the 16th Day of July, 1981.

ATTEST:

APPROVED:

William F. Perl, Jr., City Recorder

Royce A. Pierce, Mayor