

**MEETING NOTICE FOR THE  
CITY OF HUBBARD**

**TUESDAY**

**MARCH 8, 2016**

.....  
**CITY COUNCIL: YONALLY, KENNEDY, WHEATCROFT, RUIZ, SCHMIDT**  
.....

**The Hubbard City Council will meet for its regular council meeting at the Hubbard City Hall at 7:00 p.m.**

**The City will, upon request, endeavor to arrange for the following services to be provided. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 4:00 p.m. on the Monday the week preceding the meeting date.**

- X Qualified sign language interpreters for persons with speech or hearing impairments; and**
- X Qualified bilingual interpreters; and**
- X Assisting listening devices for persons with impaired hearing.**

**Additional agenda items may be accepted until 4:00 p.m. on the Monday prior to the meeting. Please contact the Director of Administration/City Recorder Vickie Nogle at 503-981-9633 ext 201. (TTY / Voice 1-800-735-2900) If you would also like to purchase an Agenda packet, please contact the number mentioned above or you may view it online @ [www.cityofhubbard.org](http://www.cityofhubbard.org).**

**SEE ATTACHED AGENDA**

**Posted 3/1/2016  
4:00 p.m.**

**Vickie L. Nogle, MMC  
Director of Administration/City Recorder**

**HUBBARD CITY COUNCIL  
MEETING AGENDA  
MARCH 8, 2016 – 7:00 PM  
LOCATION: CITY HALL  
3720 2<sup>ND</sup> STREET**

**1) CALL TO ORDER.**

**A) Flag Salute.**

**2) DISCUSSION REGARDING EMPLOYEE COMPENSATION LEVELS.**

**3) Calendar of Ordinances(s).**

**1. Ordinance No. 346-2016. An Ordinance amending Hubbard Municipal Code Sections 6.05.020, definitions; 6.05.150, Exotic Animals prohibited; and adding Section 6.05.185, Keeping Bees.**

(a) Motion to read by title only for first reading. (Reading by title only by the Mayor)

(b) Motion to read by title only for second reading. (Reading by title only by the Mayor)

(c) Motion to adopt Ordinance.

**4) PROCLAMATION - CHILD ABUSE PREVENTION MONTH.**

**5) COMMUNITY REPORTS.**

**A) Hubbard Parks Improvement Committee.**

**6) APPEARANCE OF INTERESTED CITIZENS.**

(This additional time is provided by the Council for questions or statements by persons in the audience on ANY item of city business, except those items which appear on this agenda or refer to zone changes or land use requests. Comments may be limited at the Mayor's discretion.)

**7) MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS.**

**A) Discuss Business Registration.**

**8) STAFF REPORTS.**

**A) Police Department—Police Chief Dryden.**

**B) Public Works Department—Public Works Superintendent Jaime Estrada.**

**C) Administrative Department—Dirctr of Admin/Recorder Vickie Nogle; Sr. Acntng Spcilst Kari Kurtz.**

**9) CONSENT AGENDA.**

(Matters listed within the Consent Agenda have been distributed to each member of the Hubbard City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda at the beginning of the meeting and placed on the Regular Agenda by request.)

**A) Approval of January 25, 2016, Special City Council minutes.**

**B) Resolution No. 602-2016. A Resolution authorizing the City of Hubbard to apply for a Local Government Grant from the Oregon Parks and Recreation Department**

for the replacement of the restrooms at Rivenes Park, and delegating authority to Melinda Olinger to sign the application.

C) **Resolution No. 603-2016.** A Resolution authorizing an annual adjustment of Systems Development Charges, amending Resolution No. 533-2012, and repealing Resolution No. 587-2015.

D) **Resolution No. 604-2016.** A Resolution revising the Transportation Utility Fees for the City of Hubbard and repealing Resolution No. 588-2015.

10) **APPROVAL OF THE FEBRUARY 2016 CHECK REGISTER REPORT.**

11) **OTHER CITY BUSINESS.**

12) **ADJOURNMENT.** (Next City Council meeting April 12, 2016, at 7:00 p.m.)

## ORDINANCE 346-2016

### AN ORDINANCE AMENDING HUBBARD MUNICIPAL CODE SECTIONS 6.05.020, 6.05.150, AND 6.05.190; AND ADDING SECTION 6.05.185 TO REGULATE THE KEEPING BEES WITHIN THE CITY OF HUBBARD.

#### **Findings**

A. The City Council of the City of Hubbard find it necessary to Chapter 6.05 of the Hubbard Municipal Code to allow the keeping of bees.

**Based on the findings, the City of Hubbard ordains as follows:**

**Section 1:** Sections 6.05.020, 6.05.150 and 6.05.190 of the Hubbard Municipal Code are amended to read as follows:

#### **Section 6.05.020 Definitions**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

- (1) “Animal” means any of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.
- (2) Appliances. Any implement or device used in the manipulating of Honeybees or their brood or colony
- (3) Beekeeping (apiculture). The maintenance of honeybee colonies, commonly in hives.
- (4) Colony. A group of honeybees.
- (5) “Dangerous animal” means any animal generally thought of as “wild” and capable of inflicting injury (such as cougars and boa constrictors – whether owned as pets or not) and including animals which are not dangerous under normal conditions but could become so under abnormal conditions (for example, a rabid dog or unconfined bull).
- (6) Disease. Pests, disease or any condition affecting bees or their brood.
- (7) “Domestic animal” means any animal raised for food, profit or other practical use, including but not limited to farm animals, livestock, poultry, rabbits, and bees.
- (8) Flyway barrier. A barrier which directs the bees quickly into the sky.
- (9) Hive. Any receptacle or container made or prepared for use of honeybees, or box or similar container taken possession of by honeybees.
- (10) Honeybee. Honey-producing insects of the genus Apis and includes the adults, eggs, larvae, pupae or other immature states thereof, together with such material as are deposited into hives by their adults, except honey and beeswax in rendered form
- (11) “Keeper” means any person, firm, or association having the custody of or authority to control the animal.
- (12) “Livestock” means horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and animals bred commercially or otherwise.
- (13) “Owner” means owning, keeping, or harboring an animal.

(14) "Owner of property" means any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

(15) "Poultry" means domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.

(16) "Running at large" means an animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, or not in the company of or under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.

(17) "Wild animal" means any animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.

(18) "Domesticated rabbits" shall mean rabbits kept for personal use.

#### **6.05.150 Exotic animals prohibited.**

Subject to ORS 609.205, "exotic animal" as defined in ORS 609.305, no person shall keep or maintain one or more exotic, wild or dangerous animals. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this chapter.

#### **Section 6.05.190 Dead animals – Carcass removal.**

No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property over 24 hours. Honeybees are exempt from this section.

**Section 2:** Section 6.05.185 is added to the Hubbard Municipal Code as follows:

#### **6.05.185 Keeping Bees.**

Honey bees may be kept in the city consistent with the following standards:

(1) Honeybee colonies shall only be kept on a lot or parcel that has a single-family detached dwelling in which the beekeeper resides.

(2) The number of colonies shall not exceed one on any lot with a minimum area of 5,000 square feet, up to two colonies on any lot with a minimum area of 7,000 square feet, and up to three colonies on any lot 10,000, square feet or larger. The number of hives per lot may be increased by two during the current beekeeping season when those additional hives are formed by the making of splits or the collection of swarms. Every February the hives shall be reduced to the original lot requirement.

(3) All portions of the hives/colony enclosures shall be located in side and/or in rear yards.

(4) A flyway barrier at least six feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction, unless the adjoining property is undeveloped for a minimum of 25 feet past the property line.

(5) Colonies shall be maintained in moveable-frame hives with adequate space and management techniques to prevent overcrowding.

(6) Beekeeper shall maintain an adequate supply of water for colonies located within 25 feet of each hive on the property where the Honeybees are located.

- (7) Beekeeper will abide by any disease prevention directive issued by the State of Oregon Department of Agriculture.
- (8) Beekeeping appliances shall be kept in a clean condition at all times by taking such action as deemed necessary to prevent any condition which may be dangerous or detrimental to the public Health, the health of the colony or constitute a nuisance.
- (9) Bees kept on agriculture-use property that are properly registered with the State of Oregon are exempt from this code.

The foregoing ordinance was passed by the City Council and the City of Hubbard this 8<sup>th</sup> day of March 2016, by the following vote.

**AYES:** \_\_\_\_\_  
**NAYS:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

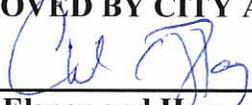
**WHEREUPON,** the Mayor declared the motion to be carried and the ordinance adopted.

Passed and approved by the City Council of the City of Hubbard this 8<sup>th</sup> day of March 2016

\_\_\_\_\_  
**Jim Yonally, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Vickie L. Nogle, MMC**  
**Director of Administration/City Recorder**

**APPROVED BY CITY ATTORNEY:**  
  
\_\_\_\_\_  
**Beery Elsner and Hammond LLP**

**Title 6  
ANIMALS**

**Chapters:**

**6.05 General Regulations**

**Chapter 6.05  
GENERAL REGULATIONS**

**Sections:**

- 6.05.010 Relationship to state laws.
- 6.05.020 Definitions.
- 6.05.030 Enforcement authority.
- 6.05.040 Complaint procedures.
- 6.05.050 Enforcement complaint.
- 6.05.060 Interference with animal control official.
- 6.05.070 Registration requirements.
- 6.05.080 Impoundment – Authority.
- 6.05.090 Impoundment – Notice.
- 6.05.100 Impoundment – Redemption by owner or keeper.
- 6.05.110 Sick or injured animals.
- 6.05.120 Offenses.
- 6.05.130 Dangerous animals.
- 6.05.140 Wild animals.
- 6.05.150 Exotic animals prohibited.
- 6.05.160 Disposition of habitual offenders.
- 6.05.170 Shelter requirements.
- 6.05.180 Keeping of livestock, certain chickens and/or domesticated rabbits within the city limits of the city of Hubbard.
- 6.05.190 Dead animals – Carcass removal.
- 6.05.200 Summary destruction of certain animals.
- 6.05.210 Violation – Penalty.

**6.05.010 Relationship to state laws.**

ORS Chapter 609, pertaining to animal control, exotic animals and dealers, and ORS 167.31 through 167.388, pertaining to offenses against animals shall apply in the city of Hubbard except where expressly superseded by this chapter. (Ord. 234-2000 § 2, 2000)

**6.05.020 Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

(1) "Animal" means any of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.

- (2) "Dangerous animal" means any animal generally thought of as "wild" and capable of inflicting injury (such as cougars and boa constrictors – whether owned as pets or not) and including animals which are not dangerous under normal conditions but could become so under abnormal conditions (for example, a rabid dog or unconfined bull).
- (3) "Domestic animal" means any animal raised for food, profit or other practical use, including but not limited to farm animals, livestock, poultry, rabbits, and bees.
- (4) "Keeper" means any person, firm, or association having the custody of or authority to control the animal.
- (5) "Livestock" means horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and animals bred commercially or otherwise.
- (6) "Owner" means owning, keeping, or harboring an animal.
- (7) "Owner of property" means any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.
- (8) "Poultry" means domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.
- (9) "Running at large" means an animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, or not in the company of or under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.
- (10) "Wild animal" means any animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.
- (11) "Domesticated rabbits" shall mean rabbits kept for personal use. (Ord. 313-2010; Ord. 234-2000 § 3, 2000)

**6.05.030 Enforcement authority.**

The chief of police or any other police officer or any other person designated or appointed by the chief of police. For the purposes of this chapter, those officers or persons are referred to as the "animal control official." (Ord. 234-2000 § 4, 2000)

**6.05.040 Complaint procedures.**

(1) Filing a Complaint.

(a) Any person who has cause to believe any animal regulated by this chapter is being maintained as a public nuisance may complain, either orally or in writing, to a city police officer or a Marion County animal control officer. The complaint shall be considered sufficient cause for the officer to investigate the matter and determine if the owner or keeper of the animal is in violation of a provision of this chapter. The city police officer may use discretion in referring the matter to a county animal control officer for prosecution.

(b) Should the city or the appropriate officer find cause to request dismissal of the charge, such motion shall be made on the city's requisite form.

(2) Subpoena. Issuance and service of a subpoena to require a person's attendance in court or the production of documents or tangible things and to permit inspection thereof shall be made as provided in Rule 55, Oregon Rules of Civil Procedure (ORCP), except that:

(a) A subpoena may be issued by the municipal judge or by an attorney of record of the party on whose behalf the witness is required to appear;

(b) Service shall be made as provided in ORCP 55-D; and

(c) Witness fees shall be payable in accordance with ORS 44.415(2).

(3) Jurisdiction. The municipal court of the city of Hubbard has exclusive jurisdiction over violations of any of the provisions of this chapter within the corporate limits of the city. (Ord. 234-2000 § 5, 2000)

**6.05.050 Enforcement complaint.**

(1) Any person authorized to enforce the provisions of this chapter may issue an enforcement complaint to any person found in violation of the provisions of this chapter.

(2) The issuing official shall cause the enforcement complaint to be delivered to the person alleged to have violated the provisions of this chapter. (Ord. 234-2000 § 6, 2000)

**6.05.060 Interference with animal control official.**

(1) It is unlawful for any person to interfere in anyway with an animal control official engaged in enforcing, seizing, impounding, or lawfully disposing of any animal under the authority of this chapter.

(2) It is unlawful to release any animal from the custody of the animal control official after such animal has been seized or impounded under the authority of this chapter. (Ord. 234-2000 § 7, 2000)

**6.05.070 Registration requirements.**

(1) Every person owning or keeping an animal requiring registration or a license as may be defined by federal, state, county, or municipal law or regulation shall register or license such animal in accordance with the specific regulation or law requiring the registration or license.

(2) Registration tags, when required, shall be attached to the animal when such animal is not in the immediate possession or direct supervision of the owner or keeper. (Ord. 234-2000 § 8, 2000)

**6.05.080 Impoundment – Authority.**

(1) Any animal control official is authorized to impound any animal found in violation of any of the provisions of this chapter.

(2) Any animal which bites a person or another animal or which has caused injury to any person or another animal may be summarily seized by any person and, if seized, shall be promptly delivered to the animal control official.

(3) Any animal control official may house an animal impounded under the provisions of this chapter at a kennel, veterinary clinic, or other animal shelter. (Ord. 234-2000 § 9, 2000)

**6.05.090 Impoundment – Notice.**

(1) Whenever an animal is impounded pursuant to the provisions of this chapter, if the owner or custodian of the animal is known to the city police and the animal has not been accused of biting a person, the police shall make reasonable attempts to deliver the animal to its owner.

(2) In case the owner or custodian of the animal is not known to the city police, the animal shall be delivered forthwith to a Marion County animal control officer or directly to a suitable animal shelter. (Ord. 234-2000 § 10, 2000)

**6.05.100 Impoundment – Redemption by owner or keeper.**

(1) Fees for redemption of the animal by its owner shall be due and payable to the county in accordance with county regulations.

(2) The city of Hubbard retains the right to collect from the animal's owner, or keeper, reimbursement of any actual costs incurred by the city of Hubbard for interim care of the animal while in the temporary custody of the city. A statement of expenses shall be mailed to the owner or presented in person and a copy shall be forwarded to the county office of animal control within 48 hours of the animal's transfer to the county's custody. In addition to any fees payable to the county, costs owed to the city must be paid to the city prior to redemption of the animal.

(3) The owner, or keeper, shall pay for any boarding, care or medical expenses incurred in accordance with HMC 6.05.110. (Ord. 234-2000 § 11, 2000)

**6.05.110 Sick or injured animals.**

(1) No person shall permit any animal or bird owned or controlled by that person to be at large within the city if such animal or bird is afflicted with a communicable disease.

(2) Any animal control official who has found or lawfully seized or impounded an animal under the provisions of this chapter and determines that the animal is in apparent need of immediate medical attention due to illness or injury, may authorize the necessary medical attention and/or have the animal destroyed. (Ord. 234-2000 § 12, 2000)

**6.05.120 Offenses.**

(1) No dog, livestock, domesticated rabbit, or poultry shall run at large within the city limits upon any public street or other public place or trespass upon private property not owned or controlled by the owner or keeper of such animal. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ORS Chapter 609.

(2) No domestic or wild animal shall:

(a) Make excessive or unreasonable noise in such a manner as to disturb or annoy any person or deprive any person of peace and quiet, other than the owner or keeper of such animal;

(b) Cause injury to a person, animal, or property, or show a propensity to cause injury to persons, animals, or property;

(c) Chase persons or vehicles;

(d) Injure or kill an animal belonging to a person other than the owner or keeper of such animal;

(e) Chase, injure, or kill any animal raised or kept for use or profit;

(f) Damage property belonging to a person other than the animal's owner or keeper.

(3) No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property, whether public or private.

(4) No person shall:

(a) Subject any animal to mistreatment;

(b) Kill any animal under the custody or control of another without legal privilege.

(5) The owner, keeper, or person in charge of an animal found to have committed an offense is punishable in accordance with HMC 6.05.210. (Ord. 313-2010; Ord. 234-2000 § 13, 2000)

**6.05.130 Dangerous animals.**

(1) No person shall keep, possess, or otherwise maintain under their control any dangerous, ferocious, or biting animal.

(2) "Dangerous, ferocious, or biting animal" includes any such animal which, with a lack of provocation, is likely to injure, attack, or otherwise threaten the lawful presence of any person or animal.

(3) In addition to any fines or other penalties provided in this chapter, the council may order such disposition of any dangerous, ferocious, or biting animal as it considers necessary for the safety or health of the public. (Ord. 234-2000 § 14, 2000)

**6.05.140 Wild animals.**

(1) No person shall keep or possess or otherwise maintain any wild animal within the city limits, except for purposes of public display.

(2) "Public display" means keeping in a public place approved by the council for the sole purpose of exhibiting wild animals held in captivity and open to the general public during reasonable hours.

(3) No wild animal shall be allowed to run at large or to run at large upon the property of the person authorized to keep, possess, or otherwise control such animal. A violation of any section of this chapter constitutes a Class I civil infraction and shall be handled according to the procedures established by ordinance relating to civil infractions. (Ord. 234-2000 § 15, 2000)

**6.05.150 Exotic animals prohibited.**

Subject to ORS 609.205, "exotic animal" as defined in ORS 609.305, no person shall keep or maintain one or more exotic, wild or dangerous animals to include bees kept in a collection of hives or colonies. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this chapter. (Ord. 234-2000 § 16, 2000)

**6.05.160 Disposition of habitual offenders.**

In addition to any fines or other penalties provided herein, the council may order such disposition of the animal as it considers necessary for the safety or health of the public. (Ord. 234-2000 § 17, 2000)

**6.05.170 Shelter requirements.**

(1) The owner or keeper of any animal shall provide adequate shelter for such animal. Adequate shelter means that which provides protection from the meteorological elements.

(2) The council may prohibit the housing or keeping of any animal within the city limits when such housing or keeping may impair the public health, welfare, safety, or create a nuisance.

The council may direct the animal control official to deliver a written notice to the owner or keeper of such animal, directing the owner or keeper to remove the animal within seven days from the service of such notice. (Ord. 234-2000 § 18, 2000)

**6.05.180 Keeping of livestock, certain chickens and/or domesticated rabbits within the city limits of the city of Hubbard.**

(1) No person owning, possessing, or having control of livestock, shall keep such animals unless they are contained in a secure fenced area on a lot having an area of at least 32,670 square feet (0.75 acre) per animal.

(2) Up to four female chickens or domesticated rabbits, or any combination thereof, may be kept on any lot with a minimum area of 5,000 square feet, up to five of such animals on any lot with a minimum area of 7,000 square feet, up to six of such animals on any lot with a minimum area of 10,000 square feet, or up to eight of such animals on any lot over 10,000 square feet. Waste from such animals shall not be allowed to accumulate. Chicken and rabbit food shall be stored in rodent-proof containers at all times.

(3) Male chickens (roosters) and any other poultry shall not be owned, possessed or maintained within the city limits of the city of Hubbard.

(4) Pens, hutches, fencing or other containment shall be maintained to confine such animals to owner's property at all times.

(5) All structures that house livestock, female chickens and rabbits shall be subject to Building Code and Development Code requirements and shall be located at least 20 feet from all neighboring residences, at least five feet from any side property line and at least 10 feet from the rear property line and shall not be located in front of the primary residential structure.

(6) No livestock, poultry or rabbits shall be slaughtered on the subject property for commercial purposes.

(7) Nonconforming Use. For livestock being kept on parcels of less than 32,670 square feet (0.75 acres) per animal, this section shall not preclude any person from continuing to keep or replace livestock which were being kept within the city limits of the city of Hubbard on or before the adoption date of the ordinance codified in this chapter.

(8) Cessation of Use. For parcels of less than 32,670 square feet (0.75 acres), if a nonconforming use for keeping of the livestock is discontinued for a period of 90 days or more, or if the property comes under different ownership, the keeping of livestock shall cease and may not be resumed. (Ord. 313-2010; Ord. 292-2006 § 1; Ord. 234-2000 § 19, 2000)

**6.05.190 Dead animals – Carcass removal.**

No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property for over 24 hours. (Ord. 234-2000 § 20, 2000)

**6.05.200 Summary destruction of certain animals.**

Any animal, whether domestic or wild, which presents an imminent threat of serious physical injury or death to any person or other animal, or which has caused injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in this chapter, may be summarily destroyed in as humane a manner as is practicable under the existing circumstances. (Ord. 234-2000 § 21, 2000)

**6.05.210 Violation – Penalty.**

A violation of any section of this chapter constitutes a Class I civil infraction and shall be handled according to the procedures established by ordinance relating to civil infractions. (Ord. 234-2000 § 22, 2000)

BEFORE THE HUBBARD CITY COUNCIL

In the Matter of Proclaiming April )  
Child Abuse Prevention Month. )

**PROCLAMATION**

This matter came before the Hubbard City Council at its regularly scheduled meeting of March 8, 2016, to proclaim April as Child Abuse Prevention Month.

WHEREAS, every child deserves to live in a safe, loving and caring family environment; and

WHEREAS, in 2014 there were 10,010 reported victims of child abuse and neglect in Oregon, of which 13 resulted in death. Of those reported cases, 813 were victims in Marion County; and

WHEREAS, we endeavor to join together as individuals, organizations, and government agencies to prevent child abuse in our county by providing opportunities to educate, train, and support caregivers by raising awareness of relevant topics, including child development, basic-care skills, discipline strategies, and goal-setting for parents; and

WHEREAS, by strengthening families and providing safe, stable, and nurturing environments that are free from violence, abuse, and neglect, opportunities are created for children's optimal growth and success, ensuring a secure future for our communities, where the needs of children are a priority and the needs of families are met;

NOW THEREFORE, the Hubbard City Council asks everyone to join together in protecting our children, and do hereby proclaim April 2016, as

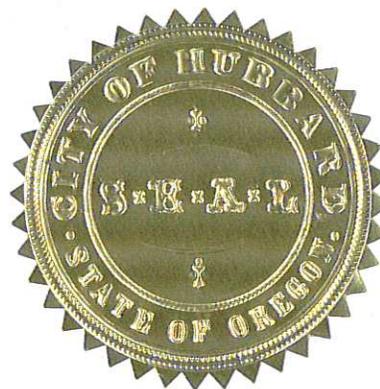
**"CHILD ABUSE PREVENTION MONTH"**

Dated at Hubbard, Oregon, this March 8, 2016.

\_\_\_\_\_  
Jim Yonally - Mayor

ATTEST:

\_\_\_\_\_  
Vickie L. Nogle, MMC  
Director of Administration/City Recorder



*Aurora*

**Title 5**

**BUSINESS LICENSES AND REGULATIONS**

**Chapters:**

- 5.04 Business Licenses Generally**
- 5.08 Cable Communications Systems**
- 5.12 Motor Vehicle Wrecking and Dismantling Businesses**
- 5.16 Telecommunications Franchises and Facilities**

**CHAPTER 5.04  
BUSINESS LICENSE GENERALLY**

**Sections:**

- 5.04.010**     **Definitions.**
- 5.04.020**     **Purpose.**
- 5.04.030**     **Intent of the council to impose fee exclusions and liabilities.**
- 5.04.040**     **Prohibited business operation.**
- 5.04.050**     **One act constitutes doing business.**
- 5.04.060**     **Presumption of engaging in business.**
- 5.04.070**     **Exemptions.**
- 5.04.080**     **License application fee.**
- 5.04.090**     **Examination of premises.**
- 5.04.100**     **Public hearing.**
- 5.04.110**     **License issuance— Requirement.**
- 5.04.120**     **License issuance--Effect.**
- 5.04.130**     **License suspension or revocation--Effect.**
- 5.04.140**     **Suspension or revocation rehearing.**
- 5.04.150**     **Agents responsible for Obtaining business license receipts.**
- 5.04.160**     **Contractors and sub-contractors—Failure to pay.**
- 5.04.170**     **Separate fees for branch establishments.**
- 5.04.180**     **Joint businesses.**
- 5.04.190**     **License display required.**
- 5.04.200**     **Transfer or assignment of license.**
- 5.04.210**     **Fee schedule--Approval.**
- 5.04.220**     **Violation--Penalties.**
- 5.04.230**     **Delinquency charge.**

**5.04.010**     **Definitions.**

For the purpose of this chapter, the following terms, phrases, word and their derivations shall have the meaning given herein.

When not inconsistent with the text, words in the present tense include the future, words in the plural number include the singular number, and vice versa. The word "shall" is always mandatory and not merely directory.

"Business" means all kinds of vocations, occupations, professions, enterprises, establishments, and all kinds of activities and matters, together with devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises within the city.

"City" means the city of Aurora, Marion County, Oregon.

"City council" means the city council of Aurora, Oregon.

"Contractor" means any person who undertakes or offers to undertake, for a consideration, to furnish labor and/or material necessary or required to construct, reconstruct, alter, repair, or add to any building, bridge, ditch, flume, reservoir, well, fence, street, sidewalk, machinery and all other structures and super structures. The term "contractor" as used herein shall also include sub-contractors.

"Garage sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold or auctioned to others, provided that the number of sale days at a particular address does not exceed fourteen (14) days during the calendar year.

"Home occupation" means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business, no non-resident employees and no Infringement on the rights of the Neighboring residents. A home occupation must comply with the provisions of the Aurora Municipal Code (AMC) Section 16.46. (Ord. 434 § 1, 2004)

"Person" means and includes individual natural persons, partnerships, joint ventures,

societies, association, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors of any kind or personal representatives thereof, in any capacity, either on that person's own behalf or for any other person, under either personal appointment or pursuant to law.

"Premises" means and includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business and also any personal property which is affixed to or is otherwise used in connection with any such business conducted on such premises within the city.

"Seasonal license" means a business license to be used for only part of the year or for not more than one hundred twenty (120) days.

"Sub-dealer" means any person renting or leasing an area, space or booth from a larger business, such as a mall, for the selling of goods or services, on a personal operation or consignment basis, for the purpose of personal profit. (Ord. 426 § 6(A), 2003; Ord. 355 § 1, 1992)

**5.04.020 Purpose.**

The ordinance codified in this chapter is enacted for the licensing of all types of businesses for a regulatory purpose. It shall allow investigation into the character and background of the individual requesting the license, as well as an inspection of the physical facilities of the place of business. The license requirement gives the applicant, at the discretion of the city council, the right to conduct business in the city. The levy and/or collection of a license fee and the issuance of a license shall not be construed as a permit by the city or the person to whom such license is issued to engage in any business which is unlawful, illegal or prohibited by the laws of the United States or by the laws of the state of Oregon, or by the ordinances of the city. (Ord. 355 § 2, 1992)

**5.04.030 Intent of the council to impose fee exclusions and liabilities.**

A. In order that business, manufacturing, pursuits, professions and trades be carried on and conducted in the city in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the city provide police protection, and that businesses attracting customers and tourists to the city assist in the provision of necessary public facilities for such customers.

B. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in such regulation and in defraying the cost of such police protection, and license surcharges be levied and fixed for the purpose of defraying the cost of acquisition, construction and maintenance of necessary public facilities, such as parking spaces and public restrooms.

C. No person whose income consists of salary or wages paid to such person by an employer or agent thereof covered and defined by this chapter and no person working as a domestic in a private home shall be deemed to be transacting or carrying on business in the city; provided, however, that if any person defined in this chapter fails to pay the license fee provide in this chapter, and such person has neither his or her residence nor place of business in the city but conducts business in the city, the agents or employees of such person engaged in business in the city shall be liable for the payment of such fee or for penalties imposed for failure to comply with this chapter. (Ord. 355 § 3, 1992)

**5.04.040 Prohibited business operation.**

It is unlawful for any persons, either directly or indirectly, to engage in any busi-

ness without having first paid the business license fee and issued a license as provided by this chapter. Solicitors traveling "door-to-door" are prohibited after five p.m., unless an appointment has been pre-arranged with the prospective customer. (Ord. 355 § 4, 1992)

**5.04.050 One act constitutes doing business.**

For the purpose of this chapter, any persons shall be deemed to be engaging in business, or engaging in nonprofit enterprise, and thus subject to the requirements of Section 5.04.020, when undertaking any one of the following acts:

A. Selling any goods or services;

B. Solicitation business or offering goods or services for sale or hire;

C. Advertising in local newspapers and/or telephone directories, offering goods or services for sale or hire;

D. Displaying signage within the city which offers goods or services for sale or hire; and/or

E. Acquiring or using any vehicle or any premises in the city for any type of business not exempted by Section 5.04.070, which results in personal profit. (Ord. 355 § 5, 1992)

**5.04.060 Presumption of engaging in business.**

Any person that advertises or otherwise holds himself or herself out to the public as engaged in any business, trade, profession, or calling for which a license is required shall be presumed to be so engaged and shall pay such license fee as is required by this chapter. (Ord. 355 § 6, 1992)

**5.04.070 Exemptions.**

The provisions of this chapter shall not apply to the following:

A. "Garage sales" as described herein;

B. Any person engaged as a landlord in leasing or renting property to others, unless such person leases or rents at any one time more than two separate rental units, spaces, or parcels, whether it be land, buildings or both, or residential, commercial or both;

C. Any person for mere delivery in the city of any property purchased or acquired in good faith from such person at the regular place of business outside the city (i.e., United Parcel Service, furniture deliveries, etc.);

D. Any person rendering home or personal care to any incapacitated person in exchange for wages;

E. Any non-profit organizations which operate within the city limits, including, but not limited to, the Old Aurora Colony Museum, the Aurora Fire Department and Auxiliary, the Aurora Colony Visitors Association, local Schools, and local Churches. (Ord. 434 § 2, 2004)

F. Home occupations as described herein, provided the home occupation does not advertise in local newspapers or telephone directories, by visible signage any place within the city, or the home occupation has no visible impact on the residential neighborhood, such as excessive traffic or parked vehicles. (Ord. 355 § 7, 1992)

G. Any non-resident person engaged in the business of performing occasional on-premises appliance and computer repair to resident persons, when the service provider is not required to be licensed by the Construction Contractors Board or other state boards. (Ord. 434 § 3, 2004)

**5.04.080 License application fee.**

The applicable license fee prescribed by City Council resolution shall be paid to the Aurora Police Department upon the filing of the application for a new business, or upon renewal of a previously obtained business license. (Ord. 434 §4, 2004)

**5.04.090 Examination of premises.**

A. The chief of police, building official, and/or their agents and subordinates are empowered to investigate and examine such places of business licensed or subject to licensing requirements within the scope and purpose of the state and local codes and ordinances. Examination may be made at any and all reasonable times for the purpose of determining whether such place of business is reasonably safe, sanitary, and suitable for the business so licensed or for which application for license is made.

B. In the event it is determined by such officers or their agents that any such place of business violates state or local codes or ordinances or is dangerous to public health, safety, welfare or is likely to become or is at that time a menace or public nuisance, and if the concerned business refuses to correct all violations within a reasonable time as determined by such officials or their agents, no business license shall be issued. If the concerned business requests, in writing, a public hearing before the city council, a report of such determination of denial and reasons therefore shall be made in writing to the city.

C. The city council, upon receipt of such determination of denial and reasons therefore, and written request by the concerned business for a public hearing, shall direct the city recorder to send by certified mail to the concerned business, notification of a public hearing to be held before the city council.

D. The purpose of the hearing shall be to determine whether the concerned business shall be permitted to receive a city business license, or if the concerned business had previously been issued a city business license, if the license should be suspended or revoked by the city council.

E. The notification to the concerned business shall set forth the time and place of the public hearing and will cite specific incidents which constitute the basis for the

determination by the chief of police, chief of the fire department, building official or their subordinates, that the concerned business is in violation of state or local laws or is dangerous to either public health, safety, welfare or is likely to become or is at the present time a public menace or nuisance. (Ord. 355 § 9, 1992)

**5.04.100 Public hearing.**

The public hearing for the purpose of determining whether a business license should be issued, reissued, suspended, or revoked shall be conducted as a quasi-judicial proceeding before the city council. Only that testimony or evidence which is relevant to the cited incidents or offenses contained in the notification to the concerned business shall be received and considered by the city council. If the city council determines that all or a portion of the incidents or offenses set out in the notification to the concerned business are supported by substantial evidence, the city council may refuse to issue a business license to the concerned business, or if a business license has previously been issued, may suspend or revoke such license. (Ord. 355 § 10, 1992)

**5.04.110 License issuance—  
requirement.**

Upon application being made, any investigation required by this ordinance to be made having been satisfactorily completed without a determination by the City officials set out in section 5.04.90 that the business is dangerous to public health, safety, welfare, or likely to become or is now a public menace or nuisance, or if such determination is not supported by substantial evidence, and if the fee is paid as provided by City Council resolution, a Business License shall be issued by the Police Department. Ord. 434 § 5, 2004)

**5.04.120 License issuance--Effect.**

A. The issuance of a business license pursuant to this chapter or the collection of a fee shall not permit any person to engage in any unlawful business.

B. The fees levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law.

C. All ordinances of the city in force on the effective date of the ordinance codified in this chapter pertaining to or covering any business, pursuit or occupation shall remain in full force and effect, and in the event of a conflict or duplication of a license fee, then such other ordinance shall take precedence over the provisions of this chapter to the end that there will be no duplication of license fees for the same business, occupation, profession or pursuit. Zoning ordinance fees are in addition to business license fees. (Ord. 355 § 12, 1992)

**5.04.130 License suspension or revocation--Effect.**

A. If a business license is suspended or revoked, the concerned business shall immediately cease conducting any and all business within the city.

B. Any business which continues to conduct business within the city subsequent to action by the city council to suspend or revoke the business license for such business shall be subject to the same fine and penalties as if such a business had never obtained a city business license, and was conducting business within the city without such a business license. (Ord. 355 § 13, 1992)

**5.04.140 Suspension or revocation rehearing.**

A. Any business which has been denied a city business license or has had a city license suspended or revoked by action of the city council under the provisions of this chapter, shall have the right of a rehearing before the

city council for the purpose of reconsideration of such action, if in the opinion of the city council, the concerned business has presented substantial new evidence relevant to the refusal of the city to issue a business license, or to the suspension or revocation of a previously issued business license.

B. A request for a rehearing shall be presented in writing by the concerned business to the city council, and shall set out the new evidence that the concerned business seeks to bring before the city council. If the city council grants a new hearing, it will be conducted in the same manner prescribed in Section 5.04.100. (Ord. 355 § 14, 1992)

**5.04.150 Agents responsible for obtaining business license receipts.**

The agents or other representatives conducting business within the city shall be personally responsible for the business which they represent, the principals, and the sub-dealers or sub-contractors for compliance with the provisions of this chapter. (Ord. 355 § 15, 1992)

**5.04.160 Contractors and sub-contractors--failure to pay.**

It shall be the responsibility of all general contractors and sub-contractors working in the City to obtain the applicable Business License on or before the date of issuance of any building permit, as prescribed by City Council resolution. It shall further be the responsibility of all contractors working in the City to provide a list of all names and addresses of sub-contractors under their direction on or before the date of issuance of any building permit. Failure of any sub-contractor to obtain a Business License shall result in a "Stop Work" Order on any project within the City's jurisdiction. (Ord. 434 § 6, 2004)

**5.04.170 Separate fees for branch establishments.**

A fee shall be paid in the manner prescribed in this ordinance for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this ordinance shall, not be deemed to be separate places of business or branch establishments. At the time of the application, all general dealers shall provide to the City a list of all names and addresses of sub-dealers and shall be held responsible for making application and paying the license fees for their sub-dealer licenses, if their sub-dealers fail to do so. Sub-dealers, as defined in this ordinance, shall not be deemed to be separate places of business or branch establishments. Separately franchised operations shall be deemed separate businesses, even if operated under the same name. (Ord. 434 § 7, 2004)

**5.04.180 Joint businesses.**

A person engaged in two or more businesses at the same location shall be required to pay separate fees for each type of business conducted. In the case of a corporation or a mall, each distinct type of business operation, each sub-dealer, and/or each separate business name shall constitute a separate business, and shall require separate applications and separate license fees. (Ord. 355 § 18, 1992)

**5.04.190 License display required.**

All licenses issued in accordance with this chapter shall be conspicuously displayed in the place of business, or kept on the person or in the vehicle of the person licensed and shall be immediately produced and delivered for inspection to the chief of police, chief of

the fire department, and their agents when requested by such individuals to do so. Failure to carry such license or to produce the same on request shall be deemed a violation of this chapter. (Ord. 355 § 19, 1992)

**5.04.200 Transfer or assignment of license.**

No transfer or assignment of any license issued under this chapter shall be valid or permitted, except that whenever any person sells or transfers in whole a business for which such license has been paid, and which business name remains the same, then the vendee thereof shall not be required to pay any additional license thereon for the balance of the license year. (Ord. 355 § 20, 1992)

**5.04.210 Fee schedule--Approval.**

The Business License fees required by this ordinance shall be prescribed by City Council resolution. These fees shall be reviewed annually by the City Council, and may be changed at any time. All revenue received from the Business License Fees shall be deposited into the General Fund.

Annual and seasonal licenses are subject to approval by the City Council. One day and two day licenses are subject to staff approval. In the case of a Saturday or Sunday license, the application and fees must be submitted, and the license issued no later than 4:30 PM of the Friday immediately preceding the Saturday and/or Sunday for which the license is requested. (Ord. 434 § 8, 2004)

**5.04.220 Violation--Penalties.**

Any person violating the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punished by a fine not to exceed one hundred dollars (\$100.00). Each day of the violation of this chapter shall constitute a separate violation. Such conviction and fine shall not relieve

the person from payment of any unpaid business license fees, including delinquent charges, for which the person is liable. If a provision of this chapter is violated by a firm or corporation, the officer(s) or person(s) responsible for the violation shall be subject to the penalties imposed by this section, which penalties are in addition to and not in lieu of any remedies available to the city. (Ord. 426 § 6(B), 2003; Ord. 355 § 22, 1992)

**5.04.230 Delinquency charge.**

The fees required for annual licenses shall be paid within thirty (30) days after February 1<sup>st</sup> of each year. A delinquency charge will be charged thereafter at thirty day intervals until paid. However, if the delinquency charge exceeds the business license fee in any one year, the Business License may be denied or revoked for failure to comply with this ordinance. If a license is denied or revoked, payment of all delinquency charges and a reinstatement fee will be required to re-apply for a Business License within the City. All charges and fees required by this section shall be prescribed by City Council resolution. (Ord. 434 § 9, 2004)



## BUSINESS LICENSE APPLICATION OVERVIEW

Thank you for choosing to locate or keep your business in Canby. The City is committed to your success. If you have questions or need assistance with the application or permitting process please call 503.266.0601. If you would like to conduct business in Canby you will need to have a business license and renew annually by your anniversary date. The annual fee is \$50.00. Please complete this application and return it to Canby City Hall at 182 N Holly, PO Box 930, Canby, OR 97013.

- In order to avoid any delay or complications, please contact the City of Canby's Planning and Building Department early in your decision-making process and especially prior to signing a lease or purchasing property. It is important for you to ensure the zoning and your proposed use of an existing building is appropriate for the business you plan to operate. The Planning and Building Department is located at 111 NW 2nd or may be reached by phone at 503.266.7001.
- If your business is in a home or building within the City Limits - the Fire Department, Planning/Building, and Police Departments must approve your business license application.
- Please fill out your Business License form and other appropriate forms for your business. This can include the Home Occupancy form, and Contractors and Subcontractors form (if applicable). Staff can advise you on the right set of forms for your business. Next, submit the application and fee to City Hall.
- Once a complete application is submitted the City can process and issue your Business license **within 15 business days**.
- **Change of Ownership:** If a business changes ownership a new City of Canby business license application will need to be completed. If the business is within the city limits, Departmental Approvals will need to be obtained.
- **If the Federal Tax ID number changes, a new business license will be required.**
- **Business Relocation (Inside City Limits):** If you relocate your business inside the city limits of Canby, you are required to update your current City business license by completing a new City of Canby business license application and obtaining Departmental Approvals.
- **Business Relocation (Outside City Limits):** If you relocate your business outside the city limits of Canby, and are actively doing business in Canby, you are required to update your current City business license by completing a new City of Canby business license application. No Departmental Approvals are required.

### Application Instructions:

1. Enter the name under which you do business.
2. Enter the physical business address.
3. Enter the mailing address, if different.
4. Enter the main business phone number, website address (if applicable) and email address.
5. Enter the owner's name, contact phone and address.
6. Enter the nature of your business.
7. Enter if you have employees, number of FTE (if applicable) or if you are self-employed.
8. Do you own or lease your building/space and if so, what is the square footage of space that is owned/leased.
9. Indicate whether your business is located within the Canby City Limits.
10. Indicate whether your business is a home-based business within the Canby City Limits and how many customers you have on a daily basis. **If home-based, return the Home Occupancy Regulation form.**
11. If you lease property for your business, list information for the property owner.
12. If you have an alarm system, please indicate what type. **If so, an alarm permit is required by the Police Department.**
13. List two emergency contacts, with phone numbers, in addition to the Owner/Manager's number.
14. Sign and date the application confirming the information provided on the application is true and complete to the best of your knowledge. Include the business federal tax ID number which is used for Transit Tax purposes.
15. If you are a contractor, your CCB number is required. Landscapers need to supply their LCB. Indicate the expiration date. Complete the Contractor's/Landscaper's Board Statement of Registration and City of Canby Contractors and Subcontractors Regulations.
16. **Note to Contractors and Subcontractors:** Pursuant to Canby Municipal Code Chapter 5.04, section 5.04.150 Contractors and Subcontractors responsibility states that *it shall be the responsibility of all general contractors, utility companies and subcontractors working in the city to obtain a business license. It shall further be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction. Failure of any subcontractor to obtain a license may result in a stop work order on any project within the City's jurisdiction.*

If you believe you are exempt from paying a business license fee, proof of exemption must be provided with the returned application. For example, non-profit organizations should attach a copy of their IRS "Letter of Determination" or 501(c)(3).

#### City Hall

182 N Holly  
PO Box 930  
Canby, OR 97013  
503.266.4021

#### Canby Area Transit (CAT)

195 SE Hazel Dell Way, Suite C  
Canby, OR 97013  
503.266.4022

#### Fire Department

221 S Pine  
Canby, OR 97013  
503.266.5851

#### Development Services Department

111 NW 2<sup>nd</sup>  
PO Box 930  
Canby, OR 97013  
503.266.9404 (Building Department)  
503.266.7001 (Planning Department)

#### Police Department

1175 NW 3<sup>rd</sup>  
PO Box 930  
Canby, OR 97013  
503.266.1104

182 N Holly  
PO Box 930  
Canby, OR 97013  
503-266-4021  
Fax:503-266-7961



**CITY OF CANBY  
BUSINESS LICENSE APPLICATION  
Annual Fee \$50.00**

**CITY LIMITS**

Date Paid: _____
Amount Paid: _____
Check # _____
Business License # _____
NAICS: _____

New     Change of Ownership     Business Relocation (Inside City Limits)

Please Print or Type and Fill Out the Application Completely

Business Name \_\_\_\_\_ DBA- Doing Business As \_\_\_\_\_

Business Street Address (no PO Box) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Business Mailing Address (if different than above) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Business Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ FAX \_\_\_\_\_ Owner/Manager Contact Phone \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Website Address \_\_\_\_\_

Owner/Manager Name \_\_\_\_\_ Owner/Manager Home Address (no PO Boxes) \_\_\_\_\_

Please describe the type of service / goods you will provide, sell or manufacture: \_\_\_\_\_

Do you own or lease your building/space? Own \_\_\_\_ Lease \_\_\_\_ Total square footage of space owned/leased: \_\_\_\_

**EMERGENCY CONTACTS: FOR POLICE AND FIRE RECORDS**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

The following additional information is required if this is a new business located within Canby City limits:

Is the business a Home Occupancy? Yes \_\_\_\_ No \_\_\_\_ If yes, how many customers daily on average: \_\_\_\_

If the building is leased commercial or industrial property, give name, address and phone number of the property owner: \_\_\_\_\_

Type of Alarm System: None \_\_\_\_ Burglary \_\_\_\_ Holdup \_\_\_\_ Fire \_\_\_\_ Combo Fire/Burglary \_\_\_\_

Other \_\_\_\_ Central Alarm Station Name and Phone Number \_\_\_\_\_

Canby, OR Code of Ordinances

## TITLE 5: BUSINESS LICENSES AND REGULATIONS

Chapter

- 5.04 BUSINESS LICENSES**
- 5.06 SECONDHAND DEALERS**
- 5.12 SIDEWALK VENDING**
- 5.16 LIQUOR LICENSE REVIEW**

### CHAPTER 5.04: BUSINESS LICENSES

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Section

- 5.04.010 Purpose.
- 5.04.020 Definitions.
- 5.04.030 Intent of Council to impose fee exclusions and liabilities.
- 5.04.040 Prohibited business operation.
- 5.04.050 One act constitutes doing business.
- 5.04.060 Presumption of engaging in business.
- 5.04.070 Application; time.
- 5.04.080 Examination of premises required prior to issuance of license.
- 5.04.090 Public hearing.
- 5.04.100 Issuance.
- 5.04.110 Effect of issuance.
- 5.04.120 Effect of suspension or revocation.
- 5.04.130 Rehearing upon suspension or revocation.
- 5.04.140 Agents responsible for compliance.
- 5.04.150 Contractors' and subcontractors' responsibility.
- 5.04.160 Separate fee for branch establishments.
- 5.04.170 Joint businesses.
- 5.04.180 No license required for mere delivery.
- 5.04.190 Exemptions.

- 5.04.200 Display of license.
- 5.04.210 Transfer or assignment of license.
- 5.04.220 Fee schedule.
- 5.04.230 Penalty.
- 5.04.240 Delinquency charge.

### **§ 5.04.010 Purpose.**

A. The purpose of this chapter is to provide revenue for general municipal purposes and to recoup the necessary expenses required to undertake the activities of the city in the administration and enforcement of this chapter. These facts shall be in addition to and not in lieu of any license fee, or any other charges required under any ordinance of the city.

B. It is not intended by this chapter to repeal, abrogate or annul or in any way impair or interfere with the existing provisions of other laws or ordinances, except those specifically repealed by the ordinance codified in this chapter. Where this chapter imposes a greater restriction on persons, premises or personal property than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

C. This chapter shall not be construed or constitute a regulation of any business activity or as a permit of the city to persons engaged therein to undertake unlawful, illegal or prohibited acts. Nothing in this chapter shall be construed to apply to any person transacting or carrying on any business within the city which is exempt from taxation by the city by virtue of the Constitution of the United States or the Constitution of the State of Oregon or applicable statutes of the United States or the state.

### **§ 5.04.020 Definitions.**

A. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

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

Business means all kinds of vocations, occupations, professions, enterprises, establishments, and all kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the city. It shall not include persons whose primary endeavor is supplying goods for resale by other businesses in the city.

Contractor means any person who undertakes or offers to undertake for a consideration to furnish labor and/or material necessary or required to construct, reconstruct, alter, repair or add to any building, bridge, ditch, flume, reservoir, well, fence, street, sidewalk, machinery and all other structures and superstructures. Contractor, as used in this chapter, also includes Subcontractors.

Garage Sale means a commercial activity, open to the public, conducted at a private

residence, where personal property is sold or auctioned to others, provided the number of sale days at a particular residence does not exceed 14 days during the calendar year.

Premises means and includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is affixed to or is otherwise used in connection with any business conducted on the premises.

Shall is always mandatory and not merely directory.

#### **§ 5.04.030 Intent of Council to impose fee exclusions and liabilities.**

A. In order that business, manufacturing, pursuits, professions and trade be carried on and conducted in the city in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the city provide police protection, fire protection, street maintenance, street lighting and other services.

B. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in the regulation and in defraying the cost of police and fire protection and costs of other municipal services.

C. No person whose income consists of salary or wage paid to the person by an employer or agent thereof covered and defined by this chapter and no person working as a domestic in a private home shall be deemed to be transacting or carrying on business in the city; provided, however, that if any person fails to pay the license fee provided in this chapter and the person has neither his or her residence nor place of business in the city but carries on business in the city, the agents or employees of that person engaged in business in the city shall be liable for the payment of the fee or for penalties imposed for failure to comply with this chapter.

#### **§ 5.04.040 Prohibited business operation.**

It shall be unlawful for any persons, either directly or indirectly, to engage in any business without having first paid the business license fee and issued a license as provided by this chapter.

#### **§ 5.04.050 One act constitutes doing business.**

For the purpose of this chapter, any persons shall be deemed to be engaging in business or engaging in nonprofit enterprise, and thus subject to the requirement of § 5.04.040, when undertaking 1 of the following acts:

- A. Selling any goods or service;
- B. Soliciting business or offering goods or services for sale or hire; and/or
- C. Acquiring or using any vehicle or any premises in the city for business purposes.

#### **§ 5.04.060 Presumption of engaging in business.**

Any person who advertises or otherwise holds himself or herself out to the public as engaged in any business, profession, trade or calling, for which a license is required, shall be presumed to be so engaged and shall pay the license fee as is required by this chapter.

**§ 5.04.070 Application; time.**

The annual nonrefundable license fee prescribed by resolution shall be paid to the City Recorder upon the filing of an application for a new business license, or upon the annual renewal of a previously obtained license on the 1-year anniversary date of the original application.

**§ 5.04.080 Examination of premises required prior to issuance of license.**

A. The Chief of Police, Chief of the Fire Department, Building Official and/or their agents and subordinates are empowered to investigate and examine those places of business licensed or subject to license within the scope and purpose of state and local codes and ordinances. Examination may be made at any and all reasonable times for the purpose of determining whether places of business are reasonably safe, sanitary and suitable for the business so licensed or for which application for license is made.

B. In the event it is determined by the officers or their agents that any such place of business violates state or local codes or ordinances; is dangerous to public health, safety or welfare; or is likely to become or is at that time a menace or public nuisance and if the concerned business refuses to correct all violations within a reasonable time as determined by the officials or their agents, no business license shall be issued. If the concerned business requests, in writing, a public hearing before the City Council, a report of the determination of denial and reasons therefor shall be made in writing to the city.

C. The City Council, upon receipt of the determination of denial and reasons therefor, and written request by the concerned business for a public hearing, shall direct the City Recorder to send by certified mail to the concerned business notification of a public hearing to be held before the City Council.

D. The purpose of the hearing shall be to determine whether the concerned business shall be permitted to receive a city business license, or if the concerned business had previously been issued a city business license, should be suspended or revoked by the City Council.

E. The notification to the concerned business shall set forth the time and place of the public hearing and will cite specific incidents which constitute the basis for the determination by the Chief of Police, Chief of the Fire Department, Building Official or their subordinates, that the concerned business is in violation of state or local laws; is dangerous to either public health, safety or welfare; or is likely to become or is at the present time a public menace or nuisance.

**§ 5.04.090 Public hearing.**

A. Public hearing for the purpose of determining whether a business license should be issued, or if previously issued whether it should be suspended or revoked, shall be conducted as a quasi-judicial proceeding before the City Council.

B. Evidence or testimony shall be received and considered by the City Council only when the

evidence or testimony is relevant to the cited incidents or offenses contained in the notification to the concerned business.

C. If the City Council determines that all or a portion of the incidents or offenses set out in the notification to the concerned business are supported by substantial evidence, the City Council may refuse to issue a business license to the concerned business or, if a business license has previously been issued, may suspend or revoke the license.

#### **§ 5.04.100 Issuance.**

Upon application being made, any investigation required by this chapter to be made having been satisfactorily completed without a determination by the city officials set out in § 5.04.080 that the business is dangerous to public health, safety, welfare or likely to become or is now a public menace or nuisance or, if the determination has been so made, and if the City Council finds that the determination is not supported by substantial evidence, and if the fee is paid as provided in § 5.04.220, a license shall be issued by the City Recorder.

#### **§ 5.04.110 Effect of issuance.**

A. The issuing of a license pursuant to this chapter or the collection of fee shall not permit any person to engage in any unlawful business.

B. The fees levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law.

C. All ordinances of the city in force on the effective date of the ordinance codified in this chapter pertaining to or covering any business, pursuit or occupation shall remain in full force and effect and in the event of a conflict or duplication of a license fee, then the other ordinance shall take precedence over the provisions of this chapter to the end that there will be no duplication of license fees for the same business, occupation, profession or pursuit. Zoning ordinance fees are in addition to business license fees.

#### **§ 5.04.120 Effect of suspension or revocation.**

A. If a business license is suspended or revoked, the concerned business shall immediately cease conducting any and all businesses within the city.

B. Any business which continues to conduct business within the city subsequent to action by the City Council to suspend or revoke the city license for the business shall be subject to the same fine and penalties as if the business had never obtained a city business license and was carrying on business within the city without a business license.

#### **§ 5.04.130 Rehearing upon suspension or revocation.**

A. Any business which has been denied a city business license or has had a city license suspended or revoked by action of the City Council under the provisions of this chapter shall have the right of a rehearing before the City Council for the purpose of reconsideration of the

action of the City Council if, in the opinion of the City Council, the concerned business has presented substantial new evidence relevant to the refusal of the city to issue a business license or to the suspension or revocation of a previously issued business license.

B. A request for rehearing shall be presented in writing by the concerned business to the City Council and shall set out the new evidence that the concerned business seeks to bring before the City Council.

C. If the City Council grants a rehearing, it will be conducted in the same manner set forth in § 5.04.090 to determine whether a business license should be initially issued or whether, if one had previously been issued, if it should be suspended or revoked, except that the only evidence or testimony which the City Council shall hear in the rehearing is that which is relevant or material to the new evidence set forth in the request for rehearing by the concerned business.

#### **§ 5.04.140 Agents responsible for compliance.**

The agents or other representatives of businesses doing business in the city shall be personally responsible for the compliance of their principals and of the businesses they represent with the provisions of this chapter.

#### **§ 5.04.150 Contractors' and subcontractors' responsibility.**

It shall be the responsibility of all general contractors, utility companies and subcontractors working in the city to obtain a business license. All construction contractors shall be required to be registered with the Oregon Construction Contractors Board (CCB) and be in good standing. It shall further be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction. Failure of any subcontractor to obtain a license may result in a stop work order on any project within the city's jurisdiction.

(Am. Ord. 1399, passed 6-4-2014)

#### **§ 5.04.160 Separate fee for branch establishments.**

A fee shall be paid in the manner prescribed in this chapter for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. Separately franchised operations shall be deemed separate businesses even if operated under the same name.

#### **§ 5.04.170 Joint businesses.**

A person engaged in 2 or more businesses at the same location shall be required to pay separate fees for conducting each business; but, when eligible, shall be issued 1 receipt which shall specify on its face all such businesses.

**§ 5.04.180 No license required for mere delivery.**

No license shall be required for any person for any mere delivery in the city of any property purchased or acquired in good faith from the person at the regular place of business outside the city.

**§ 5.04.190 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Garage sales, as described in this chapter.
- B. Participants of all official city-sponsored or sanctioned events.
- C. General Canby Day and Canby Saturday Market.
- D. Any person engaged as a landlord in leasing or renting property to others, unless the person leases at any 1 time more than 2 separate rental units, spaces or parcels, whether it be land, buildings or both, or residential, commercial or both.
- E. Municipal, state, or federal agencies.
- F. All non-profit businesses are exempt from the business license fee, but still required to complete an application.
- G. Any person who carries on or engages in a business that is illegal under applicable city, state, or federal laws is prohibited from being issued a business license.
- H. Any business which is exempt from a license by virtue of state or federal law.

(Ord. 1396, passed 3-5-2014)

**§ 5.04.200 Display of license.**

All licenses issued in accordance with this chapter shall be openly displayed in the place of business or kept on the person or on the vehicle of the person licensed and shall be immediately produced and delivered for inspection to the Chief of Police, Chief of the Fire Department and their agents or subordinates when requested by the individuals to do so. Failure to carry the license or produce the same on request shall be deemed a violation of this chapter.

**§ 5.04.210 Transfer or assignment of license.**

If any person licensed to do business within the city shall sell or transfer such business to another, the license for such business shall be transferred to such other person upon application being made and payment of a license transfer fee. The anniversary date of the business shall then be changed to the date of the new application. The license fee for this transfer or assignment shall be set forth by resolution.

(Am. Ord. 1327, passed 5-19-2010)

**§ 5.04.220 Fee schedule.**

The annual license fee and penalties for delinquency required in this chapter shall be set forth by resolution.

**§ 5.04.230 Penalty.**

A. Any person violating any of the provisions of this chapter shall, upon conviction thereof in the Municipal Court of the city, be punished by a fine not to exceed an amount set by resolution. Each day of the violation of this chapter shall constitute a separate violation.

B. A finding that a person has committed a violation of this chapter shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

C. If a provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

(Am. Ord. 1399, passed 6-4-2014)

**§ 5.04.240 Delinquency charge.**

The fee required by resolution shall be paid within 30 days after the anniversary date of the original issuance of a business license. A delinquency charge in an amount to be set by resolution will be charged on overdue licenses thereafter at 30-day intervals until the license fee and delinquency charges are paid in full. The total amount paid, including delinquency charges shall not exceed the license fee plus 5 months' delinquency charges.

## **CHAPTER 5.06: SECONDHAND DEALERS**

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Section

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- 5.06.130 Revocation or suspension of permit.
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- 5.06.150 Maintenance of regulated business activity in violation declared a nuisance, abatement.

#### **§ 5.06.010 Purpose.**

The purpose of this chapter is to strictly regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. This risk is present despite the best effort of legitimate secondhand dealer and pawnbroker businesses, because these businesses process large volumes of goods and materials that are frequently the object of theft. This chapter is intended to reduce this type of criminal activity by facilitating timely police notification of such property transactions, and by regulating the conduct of persons engaged in this business activity. The need for these regulations outweighs any anti-competitive effect that may result from their adoption.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.020 Definitions.**

As used in this chapter, unless the context requires otherwise:

A. Acceptable Identification means either a current driver license, an identification card issued by the Department of Motor Vehicles of a United States state, or 2 current United States federal, state or local government-issued identification 1 of which has a photograph of the seller.

B. Acquire means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales, consignments, memoranda between a dealer and a private party seller, leases, trade-ins, loans, refinements and abandonments. Any acquisitions of regulated property by a dealer will be presumed to be an acquisition on behalf of the secondhand dealer business. Notwithstanding the foregoing, Acquire does not include:

1. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon for the purposes of making a pawn loan; or

2. Memoranda between a dealer and a person engaged in the business of selling regulated property.

C. Council means the City of Canby City Council or its designee.

D. Criminal Convictions Related to Fraud, Deception, Dishonesty, or Theft means any conviction for a criminal violation of this chapter; O.R.S. 162.015 to 162.121; 162.265 to 162.385; 164.005 to 164.235; 164.377; 164.395 to 164.415; Chapter 165, or any similar provision of previous or later Oregon statutes, or statutes of another state, or of the United States.

E. Dealer or Secondhand Dealer:

1. Means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that either:

a. Acquires regulated property on behalf of a business, regardless of where the acquisition occurs, for the purpose of reselling the property; or

b. Offers for sale regulated property in the City of Canby.

2. Notwithstanding division 1. above, Dealer or Secondhand Dealer does not include any of the following:

a. A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)(3) organizations;

b. An individual or business whose only transactions involving regulated property in the City of Canby consist of the acquisition of regulated property for personal use, or the sale of regulated property that was originally acquired by the seller for personal use; or

c. A person whose only business transactions with regulated property in the City of Canby consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 calendar days in any calendar year.

F. Held Property means any regulated property that cannot be sold, dismantled, altered, or otherwise disposed of for a proscribed period of time as more specifically described in § 5.06.090.

G. Investment Purposes means the purchase of personal property by businesses and the retention of that property, in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

H. Medication means any substances or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.

I. New means anything conspicuously not used.

J. Pawnbroker has the meaning set forth in O.R.S. 726.010(2) and includes any business required by O.R.S. 726.040 to hold an Oregon Pawnbroker's license.

K. Person means any natural person, or any partnership, association, company, organization or corporation.

L. Principal means any person who will be directly engaged or employed in the management or operation of the secondhand dealer business, including any owners and any shareholders with a 5% or greater interest in the company.

M. Regulated Property means any property of a type that has been determined by the Chief of Police to be property that is frequently the subject of theft, including but not limited to the following property, unless excluded by division 3. below, and may be revised as necessary by the Chief of Police after giving appropriate advance notification.

1. Used items:
  - a. Precious metals;
  - b. Precious gems;
  - c. Watches of any type and jewelry containing precious metals or precious gems;
  - d. Sterling silver including, but not limited to, flatware, candleholders, salt and pepper shakers, coffee and tea sets or ornamental objects;
  - e. Audio equipment;
  - f. Video equipment;
  - g. Other electronic equipment including, but not limited to: global positioning systems (GPS), electronic navigation devices or radar detectors;
  - h. Photographic and optical equipment;
  - i. Electrical office equipment;
  - j. Power equipment and tools;
  - k. Automotive and hand tools;
  - l. Telephones or telephone equipment;
  - m. Power yard and garden tools;
  - n. Musical instrument and related equipment;
  - o. Firearms including, but not limited to, rifles, handguns, shotguns, pellet guns or BB guns;
  - p. Sporting equipment;
  - q. Outboard motors, and boating accessories;
  - r. Household appliances;
  - s. Cell phones, smart devices, smart phones, tablets, iPods, and all similar devices;
  - t. Property that is not purchased by a bona fide business for investment purposes, limited to:
    - i. Gold bullion bars (0.995 or better);

- ii. Silver bullion bars (0.995 or better);
- iii. All tokens, coins, or money, whether commemorative or an actual medium of exchange adopted by a domestic or foreign government as part of its currency whose intrinsic, market or collector value is greater than the apparent legal or face value; or
- iv. Postage stamps, stamp collections and philatelic items whose intrinsic market or collector value is greater than the apparent legal or face value;
- u. Computers and computer related software and equipment.

2. New items.

a. New items purchased from a licensed business shall be exempt from regulation under this chapter if the dealer has a bill of lading, receipt, invoice or the equivalent for the new items that specifies the seller's business name, physical and mailing address, date of transaction and description of the purchased items. The bill of lading shall be held by the dealer for 1 year, or as long as the property is in the dealer's possession, whichever is longer. Upon reasonable belief that a specific licensed business is dealing in stolen property, the Chief of Police may deem that new items purchased from that specific licensed business are regulated property.

b. Items acquired from a manufacturer, manufacturer's representative or distributor that are discontinued or have been used for display or demonstration but not previously sold are new and exempt from regulation under this chapter if the dealer has a bill of lading, receipt, invoice or the equivalent that includes the information specified in division 2.a. of this section. The dealer must hold the bill of lading, receipt, and invoice or equivalent for 1 year or as long as the property is in the dealer's possession.

3. Regulated property does not include any of the following property:

- a. Books and comic books;
- b. Sports cards and sports memorabilia;
- c. Glassware and objects d'art including, but not limited to, paintings, prints, sculptures, ceramics, and porcelains;
- d. Vehicles required to be registered with the Oregon Motor Vehicles Division;
- e. Boats required to be certified by the Oregon Marine Board;
- f. Furniture; and
- g. Refrigerators, freezers, stoves, ovens, dishwashers, washers and dryers.

N. Remanufactured means that an item has been altered to the degree that the main components are no longer identifiable as the original item.

O. Chief of Police means the Chief of Police for the City of Canby Police Department, or his or her designee.

P. Seller means any person who:

- 1. Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
- 2. Donates or abandons items of regulated property.

Q. Transaction Report means the record of the information required by § 5.06.080, transmitted to the Chief of Police by means required in § 5.06.090.

R. Trade Show means an event open to the public, held in a venue other than a dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell or trade items that may include regulated property.

S. Used means anything that has been put into action or service.

T. Hearings Officer means an officer, official of the city or other employee of the appropriate authority, but shall not have participated in any determination or investigation related to the incident that is subject of the hearing. The Hearings Officer is to be designated by the City Administrator.

(Ord. 1386, passed 11-6-2013)

### **§ 5.06.030 Permit Required.**

A. No person shall act as a secondhand dealer in the City of Canby without a valid secondhand dealer's permit issued by the Chief of Police.

B. Any person or business that advertises or otherwise holds him/herself out to be acquiring or offering for sale regulated property within the City of Canby will be presumed to be operating as a secondhand dealer subject to the terms of this chapter.

C. Any pawnbroker operating within the City of Canby shall be required to maintain a valid license pursuant to the O.R.S. Ch. 726. If any pawnbroker also acts as a secondhand dealer, that pawnbroker shall be required to obtain a secondhand dealer permit and meet all requirements of this chapter. Any pawnbroker that is not a secondhand dealer shall nonetheless be subject to the following sections of this chapter:

1. 5.06.080 Reporting requirements (this section shall be used by pawnbrokers in order to meet the requirements of O.R.S. 726.280 to 726.285).

2. 5.06.090 Sale Limitations.

3. 5.06.095 Exceptions to Sale Limitations.

4. 5.06.100 Tagging and Inspection of Property.

5. 5.06.110 Prohibited Acts.

6. 5.06.120 Citations.

7. 5.06.150 Nuisance.

D. The sale of regulated property at events known as "garage sales," "yard sales," "flea markets" or "estate sales," is exempt from these regulations if all of the following are present:

1. No sale exceeds a period of 72 consecutive hours; and

2. No more than 14 calendar days of sales are held in any 12-month period.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.035 Minimum Standards.**

A. No person may operate as a secondhand dealer within the City of Canby unless the person maintains a fixed physical business location.

B. Any secondhand dealer who holds a valid permit may not change the business name of the premises without notifying the Chief of Police at least 30 days prior to the actual effective date of the name change.

C. Dealers shall comply with all federal, state and local regulations.

D. Dealers will also obtain and maintain a current business license with the City of Canby.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.040 Application for permit.**

A. An application for secondhand dealer's permit shall set forth the following information:

1. The name, business and residential address, business and residential telephone number, birth date, driver's license information, including state of issue and license number and principal occupation of the applicant and any person who will be directly engaged or employed in the management or operation of the business or the proposed business;

2. The name, address, telephone number, and electronic mail address of the business or proposed business and a description of the exact nature of the business to be operated;

3. The web address of any and all web pages used to acquire or offer for sale regulated property on behalf of the dealer, and any and all internet auction account names used to acquire or offer for sale regulated property on behalf of the dealer;

4. Written proof that the applicant and all principals of the business are at least 18 years of age;

5. Each principal's business occupation or employment for the 5 years immediately preceding the date of application;

6. The business license and permit history of the applicant in operating a business identical to or similar to those regulated by this chapter;

7. A brief summary of the applicant's business history in the City of Canby or in any other city, county or state including:

a. The business license or permit history of the applicant; and

b. Whether the applicant has ever had any such license or permit denied, revoked, or suspended, the reasons behind it, and the business activity or occupation of the applicant subsequent to the suspension or revocation;

8. The form of the business or proposed business, whether a sole proprietorship, partnership or corporation, etc.;

a. If a partnership, the names, birth dates, addresses, telephone numbers, principal occupations, along with all other information required of any individual applicant, for each partner, whether general, limited, or silent, and the respective ownership shares owned by each; and

b. If a corporation, or limited liability company, the name, copies of the articles of incorporation and the corporate bylaws, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual applicant, for every officer, director, and every shareholder owning more than 5% of the outstanding shares, and the number of shares held by each;

9. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application; and

10. All arrests and criminal convictions relating to fraud, deception, dishonesty or theft, or citations for violation of secondhand dealer ordinance or statutes of any city, county, or state of each principal and all natural persons enumerated in divisions 1. through 7. of this section; and

B. New employees of dealers shall complete and submit the secondhand dealer personal history information as required in division A. of this section. Employees may not acquire regulated property until all required information has been reviewed by the Chief of Police, unless the dealer receives permission from the Chief of Police while those employees' background checks are being evaluated. The criteria used to review a new employee will be the same as those used in the review of an initial application in § 5.06.050(B).

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.050 Issuance and Renewal of Permit.**

A. Applications for secondhand dealer's permit must be notarized, and shall be filed with the Chief of Police and shall include payment of the required annual permit fee. Individual employee history forms containing the required information of each employee need not be notarized, but must be signed by the specific individual represented on the form.

B. The Chief of Police shall conduct an investigation of the applicant and all principals and employees directly engaged in the management or operation of the business listed according to the requirements in §§ 5.06.040A. and B. The Chief shall issue such permit if no cause for denial as noted herein exists.

C. The Chief of Police shall deny an application for a secondhand dealer's permit if:

1. The applicant, or any other person who will be directly engaged in the management or operation of the business, or any person who owns a 5% or more interest in the business, has previously owned or operated a business regulated by this chapter or a similar ordinance or law of another city, county or state, and:

a. The license and permit for the business has been revoked for cause which would be grounds for revocation pursuant to this chapter; or

b. The business has been found to constitute a public nuisance and abatement has been ordered;

2. Any person involved in the business has been convicted of any criminal offense related to fraud, deception, dishonesty or theft, or convicted of any violation of this chapter or laws of any city, county or state;

3. The operation as proposed by the applicant would not comply with all applicable requirements of statutes and local ordinances including, but not limited to: building, health, planning, zoning and fire chapters;

4. Any statement in the application is found to be false or any required information is withheld;

5. Evidence exists to support a finding that the location of the business for which the application has been filed has a history of violations of the provisions of this chapter; or

6. The operation does not comply with applicable federal or state licensing requirements.

D. Notwithstanding § 5.06.050B., the Chief of Police may grant a permit despite the presence of 1 or more of the enumerated factors, if the applicant establishes to the Chiefs satisfaction that:

1. The behavior evidenced by such factor(s) is not likely to recur;

2. The behavior evidenced by such factor(s) is remote in time; and

3. The behavior evidenced by such factor(s) occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of this chapter.

E. Secondhand dealer's permits shall be for a term of 1 year and shall expire on the anniversary of their issuance. The permits shall be nontransferable and shall be valid only for a single location. When the business location is to be changed, the permit holder shall provide the address of the new location in writing to the Chief for approval or disapproval at least 30 days prior to such change.

F. All secondhand dealer's permits shall be displayed on the business premises in a manner readily visible to patrons.

G. The Chief of Police will have primary authority concerning the issuance of a permit. If an applicant for permit is denied, denied applicants will make their first appeal to the hearings officer. If denial of an application for permit is denied by the hearings officer, review shall be by writ of review as provided in O.R.S. §§ 34.010 to 34.100.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.060 Permit fees.**

Every person engaged in conducting, carrying on or controlling a secondhand dealer's business shall:

A. File an application as described in § 5.06.050 and pay a nonrefundable fee as required by the Chief of Police. This fee shall be set by resolution.

B. For renewal of a secondhand dealer's permit, file an application and pay a nonrefundable fee as required by the Chief of Police.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.070 Additional locations.**

A. The holder of a valid secondhand dealer's permit shall file with the Chief an application for a permit for each additional location, and shall pay a nonrefundable fee as required by the Chief for each additional location.

B. Permits issued for additional locations shall be subject to all the requirements of this chapter, and the term of any permit issued for an additional location shall expire on the same date as the initial permit.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.080 Reporting of secondhand dealer regulated property transactions and seller identification.**

A. Dealers shall provide to the Chief all required information listed for each regulated property transaction (not including sales). The Chief may designate the format of transfer of this information and may direct that it be communicated to the City of Canby Police Department by means of mail, the internet or other computer media.

1. In the event the Chief directs that the transaction information be transmitted via computer media, the Chief will specify the system that will be utilized in order to ensure conformity among all dealers.

2. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief alters the required format; dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a dealer must, prior to the deadline submit a written request to the Chief for additional time.

3. Pawnbrokers are required to report only new transactions. Loan renewals and redemptions by the original client do not need to be reported as long as the property involved in the transaction has not left the store for any period of time. If someone other than the original pawnor attempts to redeem the pawned item(s), a photocopy of the redeemer's license or other valid ID is required.

B. In the event of legitimate technical difficulties, pre-approved paper forms can be provided to dealers with transaction report forms at cost. Any technical difficulties shall be remedied by dealer as soon as practicable. The chief may specify the format (size, shape and color) of the transaction report form. The Chief may require that the transaction report form include any information relating to the regulations of this chapter. Dealers may utilize their own forms, in lieu of those supplied by the Police Department, if the Chief has approved such forms. The declaration of proof of ownership is considered to be included in references in this chapter to the transaction reports, as appropriate. Declaration of proof of ownership will be retained by the business and made available to law enforcement.

C. When receiving regulated property, the dealer must do all of the following:

1. The dealer must obtain acceptable photo identification from the seller or pledger and verify that the person in the photograph is the individual participating in the transaction,

2. The dealer must record the seller's current residential address, telephone number and thumbprint on the transaction report.
3. The dealer must write on the transaction report a complete, legible and accurate description of the regulated property of sufficient detail to distinguish like objects one from the other. If an item is new, the dealer must include the word "new" in the property description.
  - a. The dealer must complete the transaction report in its entirety, and the individual completing the report must initial it.
  - b. Transaction reports must be completed in legible printed English.
4. The dealer must require the seller to legibly complete the declaration of proof of ownership except that no such declaration of proof of ownership is required for pawn loans made in compliance with state law by licensed pawnbrokers.
  - a. In completing the declaration of proof of ownership the seller must, at the time of the transaction, certify in writing that the seller has the legal right to sell the property that is the subject of the transaction and is competent to do so, and that the property is not rented or leased.
  - b. The dealer or dealer's employee must place the identifiable print of the seller's right thumb (left if right is unavailable) in the thumbprint box on the declaration of proof of ownership. Thumbprints and the information on the declaration of proof of ownership may be produced using a digital format with prior approval of the process from the Chief.
  - c. When no declaration of proof of ownership is required for pawn loan transactions, the dealer or dealer's employee shall verbally verify that the seller has the legal right to sell the property that is the subject of the transaction and is competent to do so, and that the property is not rented or leased, and enter that information in the transaction report by noting in the item description the length of time the seller has owned the item.
5. A dealer may provide a description of any motor vehicle (including license number) identified as used in the delivery of regulated property and record the description and license number next to the seller's thumbprint.
6. Transaction reports are designed to assist in the investigation of the theft of property. Therefore, additional reporting for dealers includes unregulated property that is identifiable with markings indicating apparent ownership.
7. Dealers must take either a photograph or still video of each person selling or loaning on an item of regulated property or make a copy of the acceptable identification presented by the seller. All information on the copy must be legible and may be made by photostatic copying, computerized scanning or any other photographic, electronic, digital or other process that preserves and retains an image of the document, and which can be subsequently produced or reproduced for viewing of the image. If a photograph is taken, a print of the photograph must be referenced to the transaction report number. A video photograph (still) must be referenced by time and date and transaction report number to correspond to the regulated property accepted. Copied identification must be kept with the transaction report or shall be referenced to the transaction report number. The photograph or videotape or copied identification must be kept by the dealer for 1 year and must be provided to the Chief of Police upon request.
  - D. Dealers must mail or deliver to the Chief of Police at the close of each business day the original of all transaction reports describing articles received during that business day.
  - E. Dealers must retain at their business location a copy of all completed and voided

transaction reports for a period of not less than 1 year from the date of acquisition. Any unused transaction reports must be available for inspection by the Chief of Police.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.090 Regulated property sale limitations.**

A. Regulated property is subject to the following limitations:

1. Holding period: Regulated property acquired by any dealer must be held for a period of 30 full days from the date of acquisition. Pawnbroker loan transactions are exempt from the 30-day hold requirements of this section because of the redeemable nature of the loans and the holding requirements of O.R.S. Ch. 726. However, if the loan is converted to a buy by the pawnbroker within 30 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 30-day hold requirement. All other provisions of this section remain in effect.

2. Requirements of held property: All held property must remain in the same form as when received, must not be sold, dismantled, altered or otherwise disposed of, and must be kept separate and apart from all other property during the holding period to prevent theft or accidental sale, and to allow for identification and examination by the Chief of Police. Held property must be kept at the business location during this holding period so that it can be inspected during normal business hours as provided in § 5.06.100.

B. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any dealer that a specifically described item of regulated property must be held in a separate police hold area for a period not to exceed 30 days from the date of notification, and is subject to the 30 days upon notice provided to the dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The dealer shall comply with the hold notice and notify the Chief of Police of the hold notice not later than 5 calendar days from the day the notice was received, either by telephone, fax, email or in person. A dealer must notify the Chief of its intent to dispose of any item of regulated property under police hold at least 10 days prior to doing so. A police hold area must meet the following criteria:

1. Located out of public view and access;
2. Marked "Police Hold"; and
3. Contains only items that have been put on police hold.

C. Any peace officer or Community Service Officer (unsworn peace officers employed by law enforcement agencies) who places a police hold on any property suspected of being the subject of a crime shall provide the dealer with a DPSST number and a valid incident number.

D. Upon probable cause that an item of regulated property is the subject of a crime, the Chief may take physical custody of the item or provide written notice to any dealer to hold such property for a period of time to be determined by the Chief, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this division is subject to the requirements of division A.2. above, and will be maintained in the police hold area unless seized or released by the Chief. Seizure of property will be carried out in accordance with O.R.S.

E. If a dealer acquires regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the dealer shall continue to hold the regulated property at the business location for a period of 90 full days after acquisition. The dealer must notify the Chief of Police by writing "90-day hold" next to the item on the transaction report or by an electronic means approved by the Chief. The held property must conform to all the requirements of this section.

F. If a peace officer seizes any property from a dealer, the dealer must notify the Chief of Police not later than 5 calendar days from the day the seizure occurs. The dealer must provide the name of police agency, the incident or case number, the name and DPSST number of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Chief of Police may be given by telephone, fax, email or in person.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.092** Release of held or seized property.

Items held or seized under § 5.06.090D. may not be released to anyone other than the dealer unless the property is released to:

A. Another law enforcement agency that has provided documentation to the satisfaction of the Chief of Police of the stolen status of the property, or

B. A person who reported the property as stolen; and

1. A stolen property report has been filed with a law enforcement agency where making an untruthful report is a violation of the law, and

2. A notice has been delivered to the dealer holding the property or from whom the property was seized.

a. The notice required by this division will state that the property will be released to the person who has filed the stolen property report unless the dealer or pawner/seller files a motion for return of seized property within 10 days of the date of the notice and in the manner set forth in the notice.

b. The notice required by this division will be sent electronically with a request for acknowledgment, or delivered in person to the dealer at the email or physical address shown on the dealer's permit application or most recent permit renewal application, and to the pawner/seller at the address shown in the transaction report required by § 5.06.080.

c. The notice required by this division will provide the information necessary to submit a motion for return of seized property.

d. The failure of any person to receive the notice required in this subsection will not invalidate or otherwise affect the proceedings of this subsection.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.095** Exceptions to regulated property sale limitations.

A. A dealer is not required to obtain the seller's identification, photograph the seller, record

the seller's thumbprint, or have the seller complete the declaration of proof of ownership if the dealer complies with the remaining requirements in § 5.06.080 and if:

1. The item is acquired through consignment by a dealer and the consigned property is mailed or shipped to the dealer.

2. The item is acquired during a trade show. Items acquired during a trade show may be sold or traded during the trade show without being held or creating a transaction record. Items still in a dealer's possession at the end of the show held at a location within 400 miles of the City of Canby will be subject to the hold period and reporting requirements in effect for that dealer's acquisitions of regulated property. The required reporting of the acquisitions must occur within two business days of the end of the trade show. The dealer must enter at least the following information into the transaction record: a complete, clear and accurate description of the regulated property of sufficient detail to distinguish like objects one from the other, and the name and date of the event and the address of the venue in the name, date, and address fields. An item acquired during a trade show held at a location more than 400 miles from the City of Canby is exempt from regulation under § 05.06.080 if the dealer has a bill of lading, receipt, invoice or the equivalent for the item that specifies the seller's name, physical and mailing address, show location, date of transaction and a description of the purchased item. The bill of lading, receipt, invoice or the equivalent must remain in the dealer's possession for 1 year or as long as the property is in the dealer's possession, whichever is longer.

3. The item is acquired from a business whose acquisitions of regulated property consists exclusively of donated items and/or purchases from a 501(c)(3) organization. The dealer must record the name and location address of the business in the name and address fields of the transaction report form and the date of acquisition.

4. The item is acquired through an internet transaction. The dealer must record on the transaction report the seller's email address or seller's identification, the name of the internet website that listed the item, and the date of the acquisition.

5. The item is acquired by the dealer from a yard sale, garage sale, estate sale or swap meet. The dealer must record on the transaction report the physical address of the sale location and the date of acquisition.

Items acquired under division A. must be held in compliance with the hold period requirement in effect for the dealer's other acquisitions of regulated property. The hold period begins the day the acquisition is reported to the Chief.

B. A dealer is not required to obtain the seller's identification, photograph the seller, record the seller's thumbprint, have the seller complete the declaration of proof of ownership, or hold the item if the dealer complies with the remaining requirements of § 5.06.080 and if:

1. The item is regulated property acquired from a duly registered business located outside the state of Oregon or Washington. The dealer must keep a receipt for the item from the registered business that includes the registered business' name and a description of the item. The receipt must be retained at the dealer's business location for 1 year or until the item is sold, whichever is longer. The dealer must enter in the transaction record:

a. The name and location address of the business into the name and address fields;

b. The date of the acquisition; and

c. A digital photograph of sufficient size and focus to identify an item and distinguish it from similar items.

C. A dealer is not required to photograph the seller, record the seller's thumbprint or have the seller complete the declaration of proof of ownership if the dealer complies with the remaining requirements of § 5.06.080 and if:

1. The item is regulated property taken to the dealer for repair;
2. The dealer photocopied the customer's valid identification when the item was brought in for repair;
3. The item has been abandoned or consigned to the dealer;
4. The item is reported in a transaction record on the same day that it is abandoned or consigned; and
5. The item is held for 15 days after it is reported to the Chief.

D. A dealer is not required to make a copy of the acceptable identification obtained from the seller, photograph the seller, or record the seller's thumbprint if the dealer complies with the following requirements:

1. Conducts each and every acquisition of regulated property by either:
  - a. Not tendering payment to the seller for a minimum of 15 days after the regulated property is delivered to the dealer; or
  - b. Offering in-store credit that must be used for merchandise only and not redeemed for cash;
2. Holds each and every item of regulated property for a minimum of 15 days from the date of acquisition; and
3. Complies with the remaining requirements set forth in the § 5.06.080; and
4. Notifies the Chief in writing that each and every acquisition of regulated property will be conducted by not tendering payment to the seller for a minimum of 15 days after the regulated property is delivered to the dealer.

E. A dealer is not required to make a copy of the acceptable identification obtained from the seller, photograph the seller, or record the seller's thumbprint when the dealer acquires an item of regulated property on consignment if the dealer complies with the following requirements:

1. Does not tender payment to the consignor for a minimum of 15 days after the regulated property is delivered to the dealer;
2. Holds each and every item of consigned regulated property for a minimum of 15 days;
3. Complies with the remaining requirements in § 5.06.080.

F. The hold period for items may be reduced from 30 days to 20 days if the item either displays a complete legible serial number; or is an item of jewelry; or is precious metal scrap. The dealer must:

1. Report the acquisition in a transaction record on the same day the acquisition occurs;
2. Include a description in the transaction record of the degree of detail for the type of item as required § 5.06.080;

3. Include a digital photograph of sufficient size and focus to identify the item and distinguish it from similar items and that clearly shows any legible serial number on the item in the transaction record; and

4. Comply with all remaining requirements in § 5.06.080.

A dealer may be required to reinstate a 30 day hold period if an examination of RAPID entries reveals a pattern of insufficient item descriptions or insufficient photographs.

G. A dealer is not required to create a transaction record or hold the item if the acquired item is regulated property acquired from a registered business that has verifiably already entered the acquisition of that item in a transaction record in a jurisdiction approved by the Chief. The dealer must keep the receipt for the item from the registered business that includes the registered business' name and a description of the item. The receipt must be kept at the dealer's business location for 1 year or until the item is sold, whichever is longer.

H. A dealer is not required to create a transaction record or hold the item if a customer, who originally purchased the item from the dealer, returns it to the dealer with the original receipt.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.100** Tagging regulated property for identification, Chief's inspection.

A. Secondhand dealer acquiring any regulated property shall affix to such property a tag upon which shall be written a unique number, in legible characters, which shall correspond to the number on the transaction report forms required by § 5.06.080. After the holding period has expired, the transaction number must remain identifiable on the property until it is sold.

B. After the applicable holding period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.

C. After the applicable holding period has expired, items that are remanufactured need not remain tagged.

D. Upon presentation of official identification, the Chief or his designee may enter onto the business premises of any person with a secondhand dealer's permit to ensure compliance with the provisions of this chapter. An inspection shall be for the limited purpose of inspecting any regulated property acquired by the dealer, held by the dealer pursuant to § 5.06.090, or the records incident thereto. Such inspections shall occur only during normal business hours. The failure to grant permission to the Chief or his designee for inspection could result in a violation of this chapter.

(Ord. 1386, passed 11-6-2013)

#### **§ 5.06.110** Prohibited acts.

A. It shall be unlawful for any principal, employee or dealer regulated by this chapter to:

1. Receive any property from any person known to the principal, employee or dealer to be prohibited from selling by a court order or is under the age of 18 years;

2. Receive property prohibited by this chapter. Items specifically prohibited from being

acquired by secondhand dealers include:

- a. Medications;
  - b. Gift cards, in-store credit cards, or activated phone cards;
  - c. Property with serial numbers, personalized inscriptions or initials or other identifying marks which appear to have been intentionally altered, obliterated, removed, or otherwise rendered illegible; and
  - d. Any item that cannot be lawfully possessed pursuant to local, state, or federal law;
3. Act as a secondhand dealer within City of Canby without a valid secondhand dealer's permit issued by the Chief of Police;
  4. Fail to obtain acceptable identification from the person selling any regulated property;
  5. Fail to have the person selling any regulated property sign the transaction report form describing the article acquired;
  6. Fail to retain on the business premises a copy of the transaction report form describing the acquired regulated property for a period of 1 year from the date of acquisition;
  7. Fail to mail or deliver to the Chief at the close of each business day the original and second copy of all transaction report forms describing regulated property acquired during that business day;
  8. Fail to include on transaction report forms all readily available information required by the form;
  9. Fail to withhold from sale any regulated property for the required holding period after acquisition;
  10. Fail, after acquiring regulated property, to retain the property on the business premises for the required holding period after its acquisition;
  11. Fail to allow inspection by the Chief of any regulated property being retained pursuant to this chapter;
  12. Fail to allow inspection by the Chief of any records required by this chapter;
  13. Fail to have affixed to any acquired regulated property, during the required holding period, a tag on which is written a number in legible characters which corresponds to the number on the transaction report form required by this chapter; and
  14. Continue activities as a secondhand dealer after suspension or revocation of a permit or a business license.

B. Any initial violation of § 5.06.110A. is a city code violation punishable by a fine in an amount set by resolution of the City of Canby City Council or its designee. Fines for noncriminal violations of this section are presumptively \$500 and are not to exceed \$1,000 per violating transaction and could also result in revocation of the secondhand dealer's permit. Subsequent or repeated violations of this section can be punishable criminally as could any secondhand dealing that occurs after permit revocation due to violations of this section. Any criminal charges resulting from this chapter shall go before the Canby Municipal Court and be punishable by no more than 365 days jail and/or a \$6,250 fine per violating transaction.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.120 Citation.**

A. The Chief or his designee, upon learning of a violation of § 5.06.110A. may issue the secondhand dealer a citation. Such citation shall be delivered at the address listed on the permit application during regular business hours to a person who appears to be in charge.

B. The citation shall list the nature of the violation, whether it is a non-criminal or criminal, and the time and date of the citation. The citation shall also indicate the fine assessed for said violation, which is to be paid to the city, or appealed within 10 days from the date of delivery. Appeal of non-criminal violations must be in writing, state the grounds for appeal, and must be delivered to the Canby Municipal Court within 10 days of the citation date. Criminal citations are handled through the Canby Municipal Court.

C. Nothing in this section shall affect the ability of the Chief to take any and all actions otherwise authorized to abate any violation.

D. Any principal of a dealer that has been assessed civil penalties under this chapter in excess of \$2,000 in the previous 365 days who knowingly violates this chapter may be punished, upon conviction, by a fine of not more than \$6,250 and a jail sentence of not more than 12 months.

E. Any principal of a dealer that has been denied a permit or whose secondhand dealer permit has been revoked who knowingly violates this chapter may be punished, upon conviction, by a fine of not more than \$6,250 and a jail sentence of not more than 12 months.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.130 Revocation or suspension of permit.**

A. The Chief may revoke or suspend any permit issued pursuant to this chapter:

1. For any cause which would be grounds for denial of a permit;
2. Upon a finding that any violation of the provisions of this chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or should reasonably have known, that such violations or offenses were permitted to occur at the location by the dealer or any principal or employee engaged or employed in the management or operation of the business location;
3. If lawful inspection has been refused;
4. If the secondhand dealer's activities cause significant litter, noise, vandalism, vehicular or pedestrian traffic congestion or other locational problems in the area around the dealer's premises;
5. If a fine assessed under this chapter has not been paid to the City of Canby or appealed within 10 days after the date of delivery of a citation;
6. If any statement contained in the application for the permit is found to have been false; or

7. If any secondhand dealer fails to meet federal or state licensing requirements.

B. The Chief shall give the permittee written notice of proposed revocation or suspension of any permit issued pursuant to this chapter by causing notice to be served upon the permit holder at the address listed on the permit application. Service of the notice shall be accomplished by personal service, mailing the notice by certified mail, return receipt requested, or by service in the same manner as a summons served in an action at law. Refusal of the service by the person whose permit is revoked or suspended shall be prima facie evidence of receipt of the notice. Service of the notice upon the person in charge of a business, during its hours of operation shall constitute prima facie evidence of notice to the person holding the permit to operate the business.

C. Revocation or suspension shall be effective and final 10 days after the giving of such notice unless such revocation or suspension is appealed in accordance with § 5.06.140.

(Ord. 1386, passed 11-6-2013)

### **§ 5.06.140 Appeals.**

A. Appeals of revocations or suspensions of permits shall be made to the hearings officer, to be designated by the City Administrator. A hearings officer may be an officer, official of the city or other employee of the appropriate authority, but shall not have participated in any determination or investigation related to the incident that is subject of the hearing. Hearings under this section may be informal in nature, but the presentation of evidence shall be consistent with that required for contested cases under O.R.S. § 183.450. The determination of a hearings officer at the hearing for non-criminal violations under this section is final and is not subject to appeal.

B. Orders of the hearings officer:

1. The hearings officer shall provide a written statement of the results of the hearing held under this section to the person requesting the hearing.

2. Findings of fact and conclusions of law shall accompany a final order. The findings of fact shall consist of a concise statement of the underlying facts supporting the hearings officer's order.

3. The hearings officer shall notify the appellant and respondent of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to the appellant and respondent or, if applicable, their attorney of record. The hearings officer shall issue a final order within 14 days from the conclusion of the hearing.

4. The hearings officer shall file all final orders with the City Recorder. A final order shall become effective 5 days after it is filed unless a party makes objections to the form of the order within 5 days of filing and the hearings officer subsequently amends the final order.

C. Enforcement of hearings officer order:

1. Fines and costs are payable upon receipt of the final order declaring the fine and costs. Fines and costs under this chapter are a debt owing to the City of Canby and may be collected in the same manner as any other debt allowed by law.

2. The City of Canby may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce any order of the hearings officer, including, but not

limited to, an action to obtain judgment for any fine or any assessment for costs imposed pursuant to §§ 5.06.110B. or 5.06.140G.

D. Judicial review of the final order of the hearings officer under this chapter shall be by writ of review as provided in O.R.S. 34.010 to 34.100.

E. Appeals of criminal violations of this chapter can be made de novo with the Clackamas County Circuit Court following the procedures governing criminal appeals in the State of Oregon.

(Ord. 1386, passed 11-6-2013)

**§ 5.06.150 Maintenance of regulated business activity in violation declared a nuisance, abatement.**

Any business maintained in violation of the provisions of this chapter is hereby declared to be a public nuisance. The Chief is authorized to bring any action or suit to seek imposition of fines or other authorized penalties for violation of this chapter or to abate such nuisance by seeking injunctive or other appropriate relief to:

- A. Cease all unlawful activities;
- B. Close the unlawful business establishment;
- C. Return property obtained through unlawful activities to the rightful owners; or
- D. Seek such other relief as may be appropriate.

(Ord. 1386, passed 11-6-2013)

## **CHAPTER 5.12: SIDEWALK VENDING**

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### Section

- 5.12.010 Definitions.
- 5.12.020 Permit required; fee.
- 5.12.030 Permit application.
- 5.12.040 Fire Marshal inspection.
- 5.12.050 Restrictions.
- 5.12.060 Permitted items.
- 5.12.070 Special event designation.
- 5.12.080 License denial, suspension or revocation.
- 5.12.090 Appeal.
- 5.12.100 Penalty.

## 5.12.110 Violation a nuisance; summary abatement.

**§ 5.12.010 Definitions.**

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

Commercial Zone means any property which is designated commercial under Title 16, Planning and Zoning, of this code.

Conduct Business means the act of offering for sale edible or nonedible items for immediate delivery.

Sidewalk means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians.

Special Events means events specifically approved by the City Council granting use of street and sidewalk areas within a specifically defined area, for a period of time not exceeding 10 days, to a community-based organization.

**§ 5.12.020 Permit required; fee.**

No person shall conduct business as defined in this chapter on any city sidewalk without first obtaining a business license, a sidewalk vending permit, and paying the required sidewalk vending permit fee to the office of the City Recorder. Fees are annual and shall be payable upon the business license renewal date. It is unlawful for any person to sell any goods on any sidewalk within the city except as provided by this chapter.

(Am. Ord. 1333, passed 7-21-2010)

**§ 5.12.030 Permit application.**

A. Application for a permit to conduct business on a sidewalk shall be made at the office of the City Recorder on a form deemed appropriate by the City Recorder. This application shall include but not be limited to the following information:

1. Name and address of the applicant;
2. Type of items sold. Individual applications shall be accepted for one type of product;
3. A valid copy of all necessary licenses or permits required by state or local health authorities;
4. A signed Indemnity Agreement stating that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit;
5. The permittee shall furnish and maintain this public liability, food products liability and property damage insurance as will protect permittee, property owners and the city from all claims for damage to property or bodily injury, including death, which may arise from operations

under the permit or in connection there with. This insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury and property damage for each occurrence and not less than \$1,000,000.00 in the aggregate. This permittee shall provide the city with a certificate of liability insurance. This insurance shall be without prejudice to coverage otherwise existing therein; shall name as additional insured the city, its officers and employees; and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days' written notice to the City Recorder of the city;

6. Means to be used in conducting business, including but not limited to a description of any mobile container or device, to be used for transport or to display approved items or services; and

7. The proposed location for conducting business, along with a signed statement that the permittee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the permit. No application shall apply to more than one location. Location must be approved by the City Administrator.

B. A separate sidewalk vending permit application and fee shall be required for each mobile container or device to be used for transportation or display.

C. No food vendor application will be accepted for a location where a restaurant or fruit and vegetable market, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. No application will be accepted for a flower vendor for a location where a flower shop, with direct access to the sidewalk, is adjacent or within 100 feet on the same block. The above requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant, fruit and vegetable market or flower shop. The consent must be submitted on a form deemed appropriate by the City Recorder.

(Am. Ord. 1333, passed 7-21-2010)

#### **§ 5.12.040 Fire Marshal inspection.**

Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to assure the conformance of any cooking or heating apparatus with the provisions of the city fire code. Only propane will be authorized for heat source.

#### **§ 5.12.050 Restrictions.**

A. Any person conducting business on the sidewalks of the city with a valid license issued under this chapter may transport and/or display approved items upon any mobile device or pushcart, under or subject to the following conditions:

1. The operating area shall not exceed 24 square feet of sidewalk, which shall include the area of the mobile device or pushcart, and when externally located, the operator and trash receptacle;

2. The length of the mobile device or pushcart shall not exceed 6 feet; and

3. The height of the mobile device or pushcart, excluding canopies, umbrellas or transparent enclosures, shall not exceed 5 feet.

B. All persons conducting business on a sidewalk must display in a prominent and visible manner the license issued by the City Recorder under the provisions of this chapter and conspicuously post the price of all items sold.

C. All persons conducting business on a sidewalk must pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the place of conducting business. Each person conducting business on a public sidewalk under the provisions of this chapter shall carry a suitable container for the placement of litter by customers or other persons.

D. All persons conducting business on a sidewalk shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of the sidewalk or to remove his or her vending cart entirely from the sidewalk if necessary to avoid congestion or obstruction.

E. No person shall conduct business as defined in this chapter at a location other than that designated on his or her permit.

F. No permittee shall make any loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

G. No permitted cart or device shall be left unattended on a sidewalk nor remain on the sidewalk between 11:00 p.m. and 6:00 a.m.

H. No permittee shall conduct business in violation of the provision of any ordinance providing for a special event.

#### **§ 5.12.060 Permitted items.**

The City Administrator shall maintain a list of items which are approved for sale from sidewalk vending carts. Any item not on the list may be considered for approval based on the following criteria:

A. All items or services to be sold must:

1. Be prepared in and vended from a vending cart;
2. Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;
3. Involve a short transaction period to complete the sale or render the service;
4. Enhance business environments; and
5. Not cause undue noise or offensive odors.

B. Edible items must be immediately consumable, in addition to all applicable requirements stated in division A. of this section.

C. Nonedible items, in addition to all applicable requirements stated in division A. above, must:

1. Be easily carried by pedestrians; and
2. Not be prepackaged, pre-manufactured or previously handmade.

D. Requests to have an item or service considered for approval shall be submitted in writing to the City Administrator, who shall determine whether the item or service conforms to the above criteria. If the item or service conforms to the criteria, it shall be listed as approved for sale by sidewalk vendors. The decision of the City Administrator, if adverse to the party making the request, may be appealed to the City Council.

#### **§ 5.12.070 Special event designation.**

License shall not be required for sidewalk vendors during special events so designated by the City Council.

#### **§ 5.12.080 License denial, suspension or revocation.**

A. The City Administrator may revoke or suspend the permit, or deny either the issuance or renewal thereof, of any person to conduct business on the sidewalks of the city, if he or she finds that:

1. The person has violated or failed to meet any of the provisions of this chapter;
2. The cart operation has become detrimental to surrounding businesses and/or the public, due to either appearance or condition of the cart;
3. Any required permit has been suspended, revoked or canceled; or
4. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter.

B. Upon denial, suspension or revocation, the City Administrator shall give notice of the action to the license holder or applicant, as the case may be, in writing, stating the action he or she has taken and the reasons therefor. If the action of the City Administrator is a revocation based on divisions A.3 or A.4. of this section, the action shall be effective upon giving the notice to the permittee. Otherwise the notice shall contain the further provision that it shall become final and effective within 20 days. Any revocation effective immediately may also be appealed to the City Council by such filing within 10 days. Any revocation, suspension or denial may be appealed to the City Council by filing a written notice of appeal with the City Recorder within 10 days of receipt of notification.

#### **§ 5.12.090 Appeal.**

The City Recorder shall place the appeal on the Council calendar at the first convenient opportunity therefor and shall notify the City Administrator thereof. At the hearing upon appeal the Council shall hear all witnesses, including the City Administrator or his or her representative, who shall state the grounds for this action, and the applicant or person whose permit has been revoked or suspended may supply testimony in writing by witnesses or otherwise and may question witnesses on his or her own behalf or on behalf of the city. The Council shall hear and determine the appeal, and the decision of the Council shall be final and effective immediately.

#### **§ 5.12.100 Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500. In the event that any provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons, responsible for the violation shall be subject to the penalty herein provided.

**§ 5.12.110 Violation a nuisance; summary abatement.**

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The City Administrator may cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store the cart or device until the owner thereof redeems it by paying the removal and storage charges therefor to be established by the City Administrator.

## **CHAPTER 5.16: LIQUOR LICENSE REVIEW**

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Section

- 5.16.010 Title and purpose.
- 5.16.020 Definitions.
- 5.16.030 License application
- 5.16.040 Chief of Police's duties.
- 5.16.050 Hearing procedure.
- 5.16.060 Standards and criteria.
- 5.16.070 Reconsideration of applications.

**§ 5.16.010 Title and purpose.**

A. This chapter shall be known and may be cited as the Liquor License Review Chapter, and may also be referred to herein as this chapter.

B. The purposes of this chapter are to establish the principal criteria which shall be considered by the Council and its designees, the Chief of Police, in making recommendations to the Oregon Liquor Control Commission concerning the granting, denying, modifying or renewing of all liquor licenses for premises within the city limits and to establish a process, to be utilized for the investigation of license applicants for the purpose of making recommendations, that is fair, effective and efficient. This chapter is necessary to ensure that all premises licensed to sell and dispense liquor in any form, meet the high expectations of this community that all businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this city and its neighborhoods.

**§ 5.16.020 Definitions.**

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

Application means the written request to the City Council to grant, modify or renew a liquor license.

Commission means the Oregon Liquor Control Commission.

Special Retail Beer Licenses (SRB) means a temporary dispenser license, issued by the Commission, pursuant to O.R.S. 471 and OAR 845-04-025(2) and (5), for the purposes of serving beer or other malt beverage in exchange for some financial consideration and as part of a picnic, convention, fair, civil or community enterprise or similar special event, such as a spectator sports event, musical concert or festival, and for which approval by the city must be obtained.

Special Retail Wine License (SRW) means a temporary dispenser license, issued by the commission, pursuant to O.R.S. 471 and OAR 845-04-025(2) and (5), for the purpose of serving wine or similarly regulated fermented beverage in exchange for some financial consideration and as part of a picnic, convention, fair, civic or community event, musical concert or festival, and for which approval from the city must be obtained.

#### **§ 5.16.030 License application.**

A. Any person or business, requesting a city recommendation to the Commission on a liquor license application shall make application upon suitable forms, furnished by the city.

B. The application shall contain the following:

1. The type of license applied for and a description of the nature of the business for which the application is made;

2. The name of the applicant, with address; if the business is a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the designated agent in the state; if a foreign corporation, the name and address of the local agent or representative who will be in charge of the business in the city;

3. The address where the business will be located in the city;

4. The date of application;

5. Any other information the Council deems necessary for review;

6. A verification that the information submitted within the application is true and accurate;

7. The signature of the applicant or agent making the application; and

8. The application shall be accompanied by the appropriate fee. The fees shall be non-refundable. These fees shall be set forth by resolution.

9. If the applicant for a temporary sales license can demonstrate that it is organized and operating as a nonprofit organization, no application fee to the city shall be required.

(Am. Ord. 1327, passed 5-19-2010)

**§ 5.16.040 Chief of Police's duties.**

The city shall provide application forms and shall maintain a record of all applications. The Chief of Police shall coordinate and conduct an investigation of each application for the purpose of determining what recommendation shall be made by the Chief of Police to the Council or, in the case of special retail beer and special retail wine licenses, to the Commission. The investigation may include those subjects contained in the chapter of the city, as well as the statutes of the state. The Chief of Police may require the applicant to supply any relevant additional information to determine the qualifications of the applicant. Upon completion of the review and for all applications except special retail beer and special retail wine licenses, the Chief of Police shall make a recommendation to the City Council. For special retail beer and special retail wine licenses upon completion of review, the Chief of Police shall determine and advise the applicant and the Commission what the recommendation of the city shall be in accordance with the standards, criteria and procedures contained in this chapter.

**§ 5.16.050 Hearing procedure.**

A. For all applications for which Council approval is required under this chapter, and where the Chief of Police recommends approval of an application, the matter will be scheduled as an agenda item at the next regular Council meeting.

B. Prior to City Council consideration of a liquor license application, a Council member may review the application and the investigation materials gathered by the Chief of Police, but only to the extent that disclosure of the application and investigation materials is not prohibited by law. Upon the request of a Council member or where the Chief of Police's recommendation is adverse to the application, by the applicant, a public hearing will be scheduled.

C. Notice of public hearing before the Council shall be given in the following manner:

1. The notice shall contain the business name of the applicant, the location of the business, the nature of the license applied for, and the time and location at which the hearing will take place.

2. Notice shall be mailed to the applicant or applicant's agent at the address shown on the application not less than 7 days before the date set for the hearing.

3. Notice shall be published in a newspaper of general circulation in the city not less than 5 days before the date set for the hearing.

4. The public hearing shall be conducted as follows:

a. The Chief of Police shall present the police report. Any other written or oral evidence which is supportive of the Chief of Police's recommendation may also be presented at this time.

b. The applicant may present evidence and/or witnesses in support of the application.

c. Interested members of the public shall be given an opportunity to present evidence or testimony bearing upon the application, whether the evidence is supportive or adverse to the application.

d. The applicant shall be afforded an opportunity to rebut evidence presented in

opposition to the application.

e. Any relevant evidence shall be admitted, if it is the type of evidence on which reasonable persons are accustomed to relying on in the conduct of their serious affairs, regardless of the existence of any law or rule which might make improper the admission of the evidence over objection in civil actions in courts of competent jurisdiction in this state. Evidence of past transactions and occurrences shall not be excluded solely on the basis of having occurred in the past and may be relied upon by the Council in making its recommendation. However, irrelevant and unduly repetitious evidence shall be excluded.

5. In the case of special retail beer and special retail wine license applications, after due consideration of all pertinent information, the Chief of Police shall make a recommendation. The recommendation shall be based on substantial evidence relative to the criteria in this chapter, O.R.S. Chapter 471 and the public health, safety and welfare. The Chief of Police may attach reasonable conditions upon the recommendation, which conditions shall be consistent with the purposes of this chapter. Where the Chief of Police recommends approval of an application, the City Administrator shall cause the applicant to be notified of the recommendation. Where the Chief of Police's recommendation is for denial or otherwise adverse to the applicant, it may be appealed to the City Council in accordance with the procedures provided in this section.

#### **§ 5.16.060 Standards and criteria.**

A. The Council shall make its recommendation for approval, denial or modification of the liquor license application based on the Council's evaluation of the relevant standards and criteria, as set forth herein. The applicant shall be held strictly accountable for the conditions of the premises.

B. The Council may recommend against the applicant if any of the following conditions exist:

1. The application is incomplete;
2. The applicant neglects or refuses to provide in a timely manner any information reasonably requested by the Chief of Police or City Council;
3. The applicant provides false or misleading information to the Chief of Police, City Council or to any city employee;
4. The applicant does not possess a current city business license;
5. The zoning district in which the applicant proposes to locate the business does not allow the business either as a permitted or conditional use;
6. The record of the applicant shows a conviction(s) of criminal law(s) or ordinance(s) connected in time, place and manner with a liquor establishment;
7. The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance under the ordinances of the city or laws of the state, or in which any violations of the provisions of the city, ordinances or federal or state law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or O.R.S. Chapters 163, 164, 165 or 166 have occurred, or which creates an increase in disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion or other location problems in the reasonable proximity of the premises;

8. The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish and dirt;

9. In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensed premises in the locality set out in the application and the license is not demanded by public interest or convenience;

10. The licensing of the premises would not be in the best interest of the community because of a history of illegal activities, altercations, noisy conduct or other disturbances in or around the premises;

11. The applicant has demonstrated an unwillingness or inability to cooperate with city agencies and/or neighbors in resolving community disputes relating to a licensed establishment; or

12. The applicant's premises place unreasonable, excessive demand on city services, including law enforcement.

#### **§ 5.16.070 Reconsideration of applications.**

A. After having made a recommendation other than favorable on any license application, the Council shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least 6 months, except as otherwise provided herein.

B. If the Chief of Police reasonably believes that the conditions which caused the Council to make a recommendation, other than a favorable recommendation, have substantially changed and no court or administrative appeal of the license is pending, then the Chief of Police may reconsider and/or resubmit the application to the Council.

**Title 5**  
**BUSINESS LICENSES AND REGULATIONS**

**Chapters:**

- 5.01 Business Registration**
- 5.05 Peddling and Soliciting**
- 5.10 Outdoor Merchandising and Outdoor Entertainment**
- 5.15 *Repealed***

**Chapter 5.01**  
**BUSINESS REGISTRATION**

**Sections:**

- 5.01.010 Purpose.
- 5.01.020 Definitions.
- 5.01.030 Exemptions.
- 5.01.040 Registration required.
- 5.01.050 Application.
- 5.01.060 Fee.
- 5.01.070 Use of revenue.
- 5.01.080 Transfers, relocations, and term of registrations.
- 5.01.090 Delinquency charge.
- 5.01.100 Disclaimers and exemptions.
- 5.01.110 Violation – Penalty.

**5.01.010 Purpose.**

This chapter is enacted to assist law enforcement, fire department, and emergency medical services. A registration fee will be instituted to recuperate the necessary expenses required to undertake the administration of this chapter, and to provide for the health, safety, and welfare of the citizens of Hubbard. (Ord. 226-2000 § 1, 2000)

**5.01.020 Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

- (1) "Business" means all kinds of vocations, occupations, professions, enterprises, establishments, and all kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, nonprofit, or benefit, either directly or indirectly, on any premises in the city. This definition includes, but is not limited to, any transaction involving the rental of property, the manufacture or sale of goods, or the sale or rendering of services other than as an employee.
- (2) "The city" means the city of Hubbard, Oregon.
- (3) "The city council" means the city council of the city of Hubbard, Oregon.
- (4) "Employee" means any individual who performs services for another individual or

organization having the right to control the employee as to the service to be performed and as to the manner of performance.

(5) "Garage sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold, or auctioned to others, provided the number of sale days at a particular residence does not exceed three days per occurrence, and no more than two occurrences per calendar year.

(6) "Cottage industry/home occupation" means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The primary use of the dwelling unit is residential.

(7) "Person" means and includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees or any kind of personal representative thereof, in any capacity, either on that person's own behalf or for any other person, under either personal appointment or pursuant to law.

(8) "Premises" means and includes all lands, structures, places and also the equipment on appurtenances connected or used therewith any business, and also any personal property which is affixed to or is otherwise used in connection with any such business conducted on such premises.

(9) "Residential rental unit" means a dwelling containing one or more separate living quarters, one or more of which is rented, leased, or let in exchange for full or partial monetary compensation. (Ord. 226-2000 § 2, 2000)

#### **5.01.030 Exemptions.**

(1) Persons whose sole business activity is making deliveries or taking orders from duly registered businesses within the city are exempt from this chapter.

(2) Persons whose gross receipts from business conducted both within and without the city amount to less than \$2,500 in any one calendar year. The person shall provide, upon demand by the city, proof that verifies said amount. If necessary, provide further information that this particular exemption does not supersede the applicability of the exemption for garage sales as defined in this chapter.

(3) The operation of a business, display, or sales space at any special event with a duration of three days or less shall not be required to register under this chapter.

(4) Nonprofit organizations, religious organizations, civic organizations and clubs wishing to canvass for funds or sell door-to-door to raise funds, or conduct fund-raising events to be used solely for the purpose for which the organization was created, and from which no third party receives a profit.

(5) Garage sales as defined in this chapter.

(6) Any person required to be licensed through any other city ordinance including, but not limited to activities such as "peddlers and solicitors," "public dances," or other licensed activities.

(7) Persons who own and rent residential rental units but who are not licensed real estate property managers as defined in ORS 696.010(e). (Ord. 238-2000, 2000; Ord. 226-2000 § 3, 2000)

**5.01.040 Registration required.**

(1) No person shall engage in any business within the city or transact any business specified in this chapter, without first obtaining registration and paying the fee prescribed. The provisions of this chapter shall be in addition to any other fee or requirements imposed by the city of Hubbard.

(2) The agents of a nonresident proprietor engaged in any business for which registration is required by this chapter, or for any penalty assessed under this chapter, to the extent and with like effect, as if such agent or agents were themselves the proprietors or owners of the business.

(3) A person engaged in business in more than one location, or in more than one business registered under this chapter at the same location, shall make a separate application, but pay only one fee, unless the secondary business location is used as storage to support the main business.

(4) A person representing himself/herself, or exhibiting any sign or advertisement that he/she is engaged in a business within the city shall be deemed to be actually engaged in such business and shall be liable for the payment of such registration fee and subject to the penalties for failure to comply with the requirements of this chapter.

(5) No person shall maintain or operate one or more residential rental units without first obtaining a business registration certificate and paying the prescribed fees. (Ord. 226-2000 § 4, 2000)

**5.01.050 Application.**

(1) Application for business registration, and for renewal of business registration shall be made to the office of the recorder upon forms furnished by the city. Each application shall state:

- (a) The name and address of the proposed business location in the city.
- (b) A description of the business activity to be carried on.
- (c) The name, address, and business phone number of the applicant or agent.
- (d) Phone number, in case of emergency, of at least one person other than the above applicant or agent.
- (e) The name, address, and business phone number of the proprietor if different than that of the applicant.
- (f) Number of employees.
- (g) Will list at least two representatives with phone numbers that can respond to after hours incidents deemed necessary for police, fire, EMS response.
- (h) Identify if the business is protected by intrusion/fire alarms, and who monitors the

system.

(2) The city staff may require the applicant to supply any additional information necessary for administrative or emergency purposes. (Ord. 226-2000 § 5, 2000)

**5.01.060 Fee.**

(1) Fees are for the purpose of defraying administrative costs.

(2) An initial fee of \$50.00 will be collected at the time of application. A \$50.00 annual fee will be charged thereafter.

(3) The business registration fee shall be paid annually in advance of the business registration year. (Ord. 321-2012, 2012; Ord. 273-2003, 2003; Ord. 226-2000 § 6, 2000)

**5.01.070 Use of revenue.**

The revenue derived from the business registration shall be used to defray the costs of administering this chapter. (Ord. 226-2000 § 7, 2000)

**5.01.080 Transfers, relocations, and term of registrations.**

(1) Transfer. In the event of the transfer of ownership of any business, the applicable registration certificate may be transferred by application to the city recorder. An application shall be accompanied by a transfer fee, this fee to be in the amount of \$10.00.

(2) Relocation of Existing Business. In the event a business relocates, the business shall reapply to the city recorder to transfer the business registration. The application shall be accompanied by a transfer fee, this fee to be \$10.00.

(3) Registration Term. The business registration year shall be January 1st to December 31st. A business registration issued under this chapter shall be valid from the date of issuance until December 31st. (Ord. 226-2000 § 8, 2000)

**5.01.090 Delinquency charge.**

(1) Except for the payment of a business registration fee as set forth in HMC 5.01.060, the business registration fee shall be deemed delinquent if not paid by February 1st of the business registration year. If a person begins engaging in business after the start of the business registration year, the business registration shall be deemed delinquent if the fee is not paid within 30 days after commencement of the business activity.

(2) Whenever the business registration fee is not paid on or before the delinquency date, a delinquency charge of \$25.00 will be due and payable each 30-day period. The total amount of the delinquency charge for any business registration year shall not exceed \$100.00.

(3) The date that the business registration fee is received by the city, or the date of the postmark if remittance is made by mail, shall be used in determining when the business registration fee is paid. (Ord. 226-2000 § 9, 2000)

**5.01.100 Disclaimers and exemptions.**

(1) The levy or collection of a registration fee upon any business shall not be construed to be a permit by the city to the person engaged 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 ordinance of the city.

(2) Nothing herein contained shall be taken or construed as vesting any right in any registration as a contract obligation on the part of the city. No person having paid the fee required and having made application for a business registration shall be entitled to any refund.

(3) None of the fees or registration requirements provided for in this chapter shall be required if the applicant is a municipality. (Ord. 226-2000 § 10, 2000)

**5.01.110 Violation – Penalty.**

(1) A violation of any provision of this title constitutes a Class 2 civil infraction and shall be processed according to the procedures contained in the Hubbard Municipal Code civil infraction procedures.

(2) A finding that a person has committed a violation of this title shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city.

(3) The city shall be entitled to the award of reasonable attorneys' fees in the event the city deems it necessary to enforce the requirements imposed by this chapter. (Ord. 334-2013)

## **Chapter 5.05 PEDDLING AND SOLICITING**

**Sections:**

- 5.05.010 Registration required.
- 5.05.020 Definitions.
- 5.05.030 Exemptions.
- 5.05.040 Administration.
- 5.05.050 Investigation and issuance.
- 5.05.060 Crew licenses.
- 5.05.070 License fee.
- 5.05.080 Transfer.
- 5.05.090 Exhibition of license.
- 5.05.100 Posting premises.
- 5.05.110 Duties of police to enforce.
- 5.05.120 Revocation of license.
- 5.05.130 Appeal.
- 5.05.140 Selling by public outcry.
- 5.05.150 Violation – Penalty.

**5.05.010 Registration required.**

It shall be unlawful for any person to engage in business as peddler or solicitor as defined in this chapter, within the corporate limits of the city of Hubbard, without first registering as herein provided. (Ord. 232-2000 § 2, 2000)

**5.05.020 Definitions.**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

(1) "Person" shall include the singular, plural, firm, corporation, association, partnership,

society, or other organization.

(2) "Peddler" includes any person traveling by any means from place to place, house to house, or street to street offering or exposing goods, wares, merchandise, or services for sale, or making sales, and delivering articles to purchasers.

(3) "Hawking" means to offer for sale by calling aloud in public.

(4) "Solicitor" shall include any person traveling by any means from place to place, house to house, or street to street, inviting, requesting, urging, advising or asking another person to pay money for goods, wares, merchandise or services to be furnished or provided by the person or another person represented by the solicitor. (Ord. 258-2002; Ord. 232-2000 § 3, 2000)

#### **5.05.030 Exemptions.**

(1) The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, newspaper deliverers, the acts of local merchants or their employees in delivering goods in the regular course of business. Nor shall the terms of this chapter be held to include or apply to any farmer or truck gardener who shall vend, sell, or dispose of, or offer to sell, vend, or dispose of the products of the farm or garden occupied and cultivated by the farmer within the state of Oregon. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person from conducting a bona fide auction sale pursuant to law.

(2) The terms of this chapter shall not apply to nonprofit organizations, religious organizations, fraternal organizations or civic organizations traveling from place to place, house to house or street to street for the purpose of promoting a cause or for the purpose of canvassing for funds or selling goods, wares, merchandise or services to raise funds to be used solely for the purpose for which the organization was created. (Ord. 258-2002; Ord. 232-2000 § 4, 2000)

#### **5.05.040 Administration.**

(1) The city recorder shall be responsible for the administration of this chapter. He or she may:

(a) Adopt reasonable rules and regulations relating to any matter pertaining to the administration of this chapter.

(b) Prepare, adopt and make available to the businesses all forms necessary for compliance with this chapter.

(c) All information and records furnished or secured from any person under the provision of this chapter shall be exempt from public disclosure to the extent permitted by ORS Chapter 192. Such information and record shall be confidential and retained only by persons charged with the administration and enforcement of this chapter.

(2) The city recorder shall refer each application to the appropriate departments of the city for review. The department heads, or their agents, shall investigate and determine whether the applicant is in compliance with all city codes and is safe, sanitary, and suitable for which such application is made.

(3) A license or renewal may be denied for any of the following causes:

(a) Fraud, misrepresentation or false statement made in the application for a license, and/or in the course of carrying on the licensed activity;

(b) A violation of this chapter, and/or failure to comply with requirements of other city ordinances and resolutions;

(c) Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(4) Upon a favorable recommendation from each department, the city recorder shall issue the license. If any department determined that the application should be denied, the city recorder shall notify the applicant of the denial and the reasons for the denial. (Ord. 232-2000 § 5, 2000)

#### **5.05.050 Investigation and issuance.**

(1) Upon receipt of an application, the application shall be referred to the chief of police, who shall cause investigation of the applicant's business and moral character and deemed necessary for the protection of the public interest.

(2) The chief of police, within five days from the date of the application, shall endorse the application as "satisfactory" or "unsatisfactory."

(3) When the application is endorsed "satisfactory," the city recorder shall issue a license card to the applicant for the activity for which the application was made. Such a license card shall contain the signature and seal of the city recorder or designee, and shall show the name, address, and photograph of the licensee, the kind and goods to be sold, the date of issuance, and the expiration date.

(4) If the application is returned from the chief of police endorsed "unsatisfactory," the city recorder shall notify the applicant that the application has been disapproved with an explanation. (Ord. 232-2000 § 6, 2000)

#### **5.05.060 Crew licenses.**

In lieu of an application being filed by each solicitor or peddler, the employer may file with the initial application each solicitor or peddler employed by the applicant. Upon satisfactory compliance with the requirements of this section, and the payment of the license fee, and the fee for each member of the crew, a crew license shall be issued to the employer designating the name of the employer and the employees named in the application. A separate license or identification card will be issued to each solicitor or peddler. The employer may make substitutions or add additional employees within the limits of such crew license, and, upon filing an appropriate application and paying an additional fee. (Ord. 232-2000 § 7, 2000)

#### **5.05.070 License fee.**

(1) All peddlers and solicitors shall pay an annual license fee of \$20.00, and \$5.00 for each additional employee.

(2) All licenses shall run from January 1st to December 31st. (Ord. 232-2000 § 8, 2000)

**5.05.080 Transfer.**

No license shall be used at any time by any person other than the one to whom it is issued. (Ord. 232-2000 § 9, 2000)

**5.05.090 Exhibition of license.**

Peddlers and solicitors are required to display their license cards at all times when soliciting or peddling within the Hubbard city limits, and at the request of any citizen. (Ord. 232-2000 § 10, 2000)

**5.05.100 Posting premises.**

Any resident of the city of Hubbard who wishes to exclude peddlers and solicitors from their residence premises occupied by the resident, may place a printed sign upon or near the usual entrance to such premises bearing the words "peddlers, and/or solicitors prohibited," or other similar notice. Such notice shall be reasonably visible with normal eyesight for a distance of four feet. Any peddler or solicitor who goes into or approaches within four feet of such posted notice that has been posted pursuant to this section for the purpose of soliciting orders for the sale of goods, services, wares or merchandise, or for the purpose of disposing of or hawking the same, shall be in violation of this chapter. (Ord. 232-2000 § 11, 2000)

**5.05.110 Duties of police to enforce.**

It shall be the duty of any city of Hubbard police officer to require any person seen hawking, peddling, or soliciting, to show proof of being licensed by producing the license card to the officer, and to enforce the provisions of this chapter against any person found to be in violation of this chapter. (Ord. 232-2000 § 12, 2000)

**5.05.120 Revocation of license.**

(1) Licenses may be revoked by the city recorder, after notice of hearing for any of the following causes:

- (a) Fraud or misrepresentation or false statement contained in an application for a license.
- (b) Fraud or misrepresentation or false statement made in the course of carrying on the business as hawker, peddler, or solicitor.
- (c) Any violation of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting the business of hawking, peddling, or soliciting in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of hearing for revocation of a license shall be given in writing setting forth the ground of the complaint and the time and place for hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. (Ord. 232-2000 § 13, 2000)

**5.05.130 Appeal.**

Any person aggrieved by the action of revocation of the license shall have the right to appeal

to the city of Hubbard city council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing of such appeal and notice of such hearing shall be given to the appellant in the same manner as notice of revocation. The decision and order of the council on such appeal shall be final and conclusive. (Ord. 232-2000 § 14, 2000)

**5.05.140 Selling by public outcry.**

Hawking or selling display goods on the public streets in the city of Hubbard by public outcry is hereby specifically prohibited; except that this section shall not apply to special promotional sales when such sales have been requested and approved by the city council. (Ord. 232-2000 § 15, 2000)

**5.05.150 Violation – Penalty.**

Any person violating any of the provisions of this chapter, upon conviction thereof, in the municipal court of the city of Hubbard, Oregon, shall be punished by a fine of not more than \$100.00. (Ord. 232-2000 § 17, 2000)

## Chapter 5.10

### OUTDOOR MERCHANDISING AND OUTDOOR ENTERTAINMENT

Sections:

- 5.10.010 Definitions.
- 5.10.020 Outdoor merchandising and outdoor entertainment prohibited.
- 5.10.030 Exemptions.
- 5.10.040 Permits and fees.
- 5.10.050 Violation – Penalty.

Prior legislation: Ord. 315-2011.

**5.10.010 Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context requires otherwise:

- (1) "Outdoor merchandising" means the sale, display for sale, rental of or storage of merchandise, including food and drink, outside of an enclosed building space.
- (2) "Outdoor entertainment" means live music or other outdoor performances conducted outside of an enclosed building space.
- (3) "Garage sale" means the sale or display for sale of used, handcrafted or new merchandise outside of a residence or open to public view from the outside of a residence in a garage, carport, patio, or yard in a residential or manufactured home district.
- (4) "Community organization" means any group of persons based in, or in the vicinity of, the general Hubbard community, or proposing to operate in Hubbard, organized for a specified event. (Ord. 331-2013 § 2)

**5.10.020 Outdoor merchandising and outdoor entertainment prohibited.**

Unless otherwise permitted herein, all outdoor merchandising, outdoor entertainment, and garage sales are prohibited within the city limits of Hubbard. (Ord. 331-2013 § 3)

**5.10.030 Exemptions.**

The following uses and activities, subject to applicable conditions and other city ordinance requirements, are exempt from the prohibition of this chapter:

(1) Outdoor merchandising, outdoor entertainment and garage sales conducted only upon and within the boundaries of a lot or parcel of land upon which an occupied residence is located upon the following conditions:

(a) Garage sales, as defined herein, are permitted on the condition that:

(i) No site can be used for a garage sale more than four times in a calendar year;

(ii) Each occurrence of a garage sale shall not continue for more than three consecutive days;

(iii) All signs advertising a garage sale which are posted on or off site must be removed in 24 hours after the end of the sale; and

(iv) No violation occurs of any other code or ordinance of the city including, but not limited to, the provisions of Chapter 9.25 HMC establishing noise regulations for the city of Hubbard.

(2) Outdoor merchandising and outdoor entertainment conducted within the city limits upon properties, the owners of which have obtained a permit from the city recorder and have paid a permit fee therefor as provided herein and further provided no violation occurs of any other code or ordinance of the city including, but not limited to, the provisions of Chapter 9.25 HMC establishing noise regulations for the city of Hubbard.

(3) Outdoor seating in conjunction with a restaurant.

(4) The dispensing of gasoline at a service station.

(5) Automatic teller machines and telephone booths.

(6) Sales of food items, art and handcrafts by charitable, religious and community organizations which have been granted a site-specific use permit by the city recorder after evidence has been received satisfactory to the city recorder that:

(a) The sale has the approval of the owner or lessee of the property on which it is to take place.

(b) The sale will be located in a manner that will not interfere with the pedestrian or vehicular traffic.

(c) The sale will not interfere with the operation of adjacent businesses.

(d) The sale shall be for specified limited periods of time.

(e) The sale of food must be in conjunction with an organized event.

(7) Newspaper vending machines which are placed on a public sidewalk in such a manner that a minimum of four feet of unobstructed sidewalk width remains and in such a manner

that the use of the sidewalk by handicapped persons is not impeded.

(8) The sale of merchandise by home delivery after a specific personal or telephone request by the purchaser.

(9) The sale, display, storage or rental of merchandise which would otherwise be prohibited by the terms of this chapter is exempt if the outdoor area where the merchandise is sold, displayed, rented or stored is either:

(a) Screened from all public streets and adjacent properties in a manner that has received design approval from the Hubbard planning commission and is accessible only through a building entrance; or

(b) The merchandise is of a type normally displayed and sold outside, including but not necessarily solely limited to automobiles, boats, recreational vehicles, farm and industrial equipment, and manufactured homes.

(10) Ice cream vendors subject to Chapter 5.05 HMC, Peddling and Soliciting.

(11) The sale of living plant materials.

(12) Christmas tree sales lots. (Ord. 331-2013 § 4)

#### **5.10.040 Permits and fees.**

(1) Except as exempted under the provisions of HMC 5.10.030(6), all persons, community organizations, corporations or other organizations, whether for profit, not for profit, charitable or otherwise, shall apply for and be granted a permit by the city recorder before conducting outdoor marketing and outdoor entertainment events within the city of Hubbard.

(2) Permits shall be granted by the city recorder upon the filing of a completed application, in form obtained from the city recorder, including the payment of an application fee therefor, as provided herein. The permittee may then engage in outdoor merchandising and outdoor entertainment events conditioned only upon compliance by the permittee, its representatives, agents and invitees, with all codes and ordinances of the city of Hubbard, including but not limited to the provisions of Chapter 9.25 HMC et seq. establishing noise regulations for the city of Hubbard.

(3) Permits may be revoked and cancelled by any authorized representative of the city of Hubbard upon the issuance of a complaint or citation by the authorized representative of the city alleging a violation of city codes and ordinances occurring as a result of the conduct of the outdoor merchandising or outdoor entertainment event.

(4) A permit will be issued for a single event of outdoor merchandising or outdoor entertainment for a limited time specifying dates and hours of operation for all such events unless such permit is issued to a community organization as defined herein, for the conduct of periodic outdoor merchandising or outdoor entertainment events, in which case the permit may be issued for an extended period of time, not to exceed one year.

(5) A permit fee for a single event shall be \$20.00. The permit fee for a community organization shall be \$20.00 for the calendar year. (Ord. 331-2013 § 5)

**5.10.050 Violation – Penalty.**

(1) Any person violating any of the provisions of this chapter shall be served by the city of Hubbard with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Notice shall be in written form, personally delivered, or mailed and accepted, certified, return receipt requested, by the person to be charged. The person to be charged or notified may be the owner or the occupant of the premises.

(2) Any person who shall continue any violation beyond the time limit stated in such notice shall be guilty of a Class I civil infraction and on conviction thereof shall be fined in an amount not to exceed \$500.00 for each violation. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed by state law. Each day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this chapter shall become liable to the city of Hubbard for any expenses, loss or damage occasioned by the city by reason of such violation. (Ord. 331-2013 § 6)

**Chapter 5.15**  
**GAMES AND MECHANICAL DEVICES**

**(Repealed by Ord. 231-2000)**



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Business Licenses In Lafayette

## Business Licenses and Solicitors Licenses in Lafayette

**7.025 License Required.** No person shall carry on any business within the city without first obtaining a license therefor and without complying with the provision of sections 7.000 to 7.080.

### 7.030 License Application.

(1) On or before July 1st, all persons engaging in business within the city shall file an application for annual renewal of the license required by sections 7.000 to 7.080. Any new business that is not in operation on or before July 1st, which desires to conduct business within the city shall make application for a license before engaging in any business activity.

(2) Application for a business license shall be made to the city's finance director or city administrator upon forms provided by the city.

(3) The application for a business license shall include advance payment of the appropriate license fee and delinquency charges, if any.

**Soliciting:** Pursuant to Lafayette Municipal Code section 7.300 to 7.340, solicitation within the city limits of Lafayette is permitted at residential properties during the hours of 9:00 a.m. and 9:00 p.m. local time only, unless property is posted with a 'No Solicitation' sign, as stated in section 7.335. All solicitors must first obtain a registration certificate from City Hall prior to conducting any and all business in Lafayette; said certificate must be carried on their person at all times while soliciting in Lafayette.

**Each person wishing to solicit as an individual or on behalf of a corporation or association must** check-in at City Hall each day they conduct business in Lafayette. Photo ID will be required at time of check-in. Violation of Lafayette Municipal Code section 7.300 to 7.340 constitutes a Class A infraction. Registration may be revoked by City Administrator or City Council upon written notice to applicant five (5) days prior to effective date of revocation, as stated in Lafayette Municipal Code section 7.325.

**Home Occupation Permits:** Contact The Community Development Clerk if you wish to apply for a Home Occupation Permit. Standards and restrictions are attached below. A home occupation permit is an entirely different process than the standard business license.

-  [Business Registration List for 2013-2014](#)
-  [Business Registration Form](#)
-  [Solicitors Application](#)

 [Home Occupation Permits](#)

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Chapter 7

BUSINESS

**BUSINESS LICENSES**

**7.000 Definitions.** As used in sections 7.000 to 7.080, the following words and phrases shall have the meanings given to them in this section:

Business. Any trade, profession, occupation or pursuit of every kind conducted in the city for gain, with the exception of garage sales.

Apartment house. A building, portion of a building, or a group of buildings on a parcel of land within the city containing two or more dwelling units that are rented, leased, let or made available for compensation for sleeping or living purposes. The term "apartment house" includes a hotel or motel, automobile or tourist court, rooming or lodging house, and mobile home or trailer park. In the case of mobile homes or trailer parks, the term dwelling units means space or stall.

Dwelling units. Each apartment house dwelling unit occupied or available for occupancy, except that an owner-occupied dwelling unit shall not be included in a business license fee computation.

**7.005 Necessity of License--Exemptions.** In order that business, manufacturing, pursuits, professions, and trade be carried on and conducted in the city in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the city provide police protection, fire protection, street maintenance, street lighting and other services. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in such regulation and in defraying the cost of such police and fire protection and costs of other municipal ser-

vices. No person whose income consists of salary or wage paid to such person by an employer or agent thereof covered and defined by sections 7.000 to 7.080, and no person working as a domestic in a private home shall be deemed to be transacting or carrying on business in the city; provided, however, that if any person, as defined herein, fails to pay the license fee and such person has neither his residence nor place of business in the city, but carries on business in the city, the agents or employees of such person engaged in business in the city shall be liable for the payment of such license fee and delinquency charges and/or penalties imposed for failure to comply with sections 7.000 to 7.080.

**7.010 Exemption of Certain Residential Builders.** Residential builders as defined by ORS 701.055 who have a valid builder's business license and who neither have an office within the city and has not derived gross receipts of \$100,000 or more from business conducted within the city during the calendar year for which the builder's business license is issued shall not be required to pay a business license fee as required by sections 7.000 to 7.080.

**7.015 Disposition of Proceeds.** All money received from licenses issued hereunder shall be deposited in the general fund.

**7.020 Presumption of Engaging in Business.** Any person that advertises or otherwise holds himself out to the public as engaged in any business, profession, trade, or calling for which a license is required, shall be conclusively presumed as holding himself out to

## Lafayette Code

the public as so engaged, and shall pay such license fee as required by sections 7.000 to 7.080.

**7.025 License Required.** No person shall carry on any business within the city without first obtaining a license therefor and without complying with the provisions of sections 7.000 to 7.080.

### **7.030 License Application.**

(1) On or before July 1st, all persons engaging in business within the city shall file an application for annual renewal of the license required by sections 7.000 to 7.080. Any new business that is not in operation on or before July 1st which desires to conduct business within the city shall make application for a license before engaging in any business activity.

(2) Application for a business license shall be made to the city's finance director or city administrator upon forms provided by the city.

(3) The application for a business license shall include advance payment of the appropriate license fee and delinquency charges if any.

### **7.035 Examination of Business Premises.**

(1) The city's law enforcement personnel, chief of the fire department, building official, and/or their agents and subordinates are authorized to investigate and examine all places of business licensed or subject to license under the terms of sections 7.000 to 7.080 at any time and all reasonable times for the purpose of determining whether such place of business is safe, sanitary and suitable for the business so licensed or for which application for license is made. However, before entering upon private property, the city official shall obtain the consent of an occupant or a warrant of the municipal court authorizing entry for the purpose of inspection, except when an emergency exists.

(2) No warrant shall be issued under the terms of sections 7.000 to 7.080 until an affidavit has been filed with the municipal court, showing probable cause for the inspection, by stating the purpose and extent of the proposed inspection, citing sections 7.000 to 7.080 as the basis for the inspection, whether it is an inspection instituted by complaint, and other specific or general information concerning the business in question.

(3) No person shall interfere with or attempt to prevent a city official from entering upon private premises and inspecting any business when an emergency exists or the city official exhibits a warrant authorizing entry.

(4) In the event it is determined by the city official that the place of business is dangerous to public health, safety, welfare, or is likely to become or is at that time, a menace or public nuisance, a report of the determination and the reasons therefore shall be made in writing to the city council.

(5) The city council, upon receipt of the written report, shall direct the city administrator to send by registered mail to the concerned business notification of a public hearing to be held before the city council. The purpose of the hearing shall be to determine whether the concerned business shall be permitted to receive a city business license or, if the concerned business has already been issued a city business license, whether the license should be suspended or revoked by the city council. The notification to the concerned business shall set forth the time and place of the public hearing and will cite specific incidents which constitute the basis for the determination by the city official, that the concerned business is dangerous to either public health, safety, welfare, or is likely to become or is at the present time, a public menace or nuisance.

**7.040 Suspension or Issuance--Public Hearings.** Public hearing for the purpose of determining whether a business license

should be issued or, if previously issued, whether it should be suspended or revoked shall be conducted as a quasi-judicial proceeding before the city council. Evidence or testimony shall be received and considered by the city council only when such evidence or testimony is relevant to the cited incidents or offenses contained in the notification to the concerned business. If the city council determines that all or a portion of the incidents or offenses set out in the notification to the concerned business are supported by substantial evidence, the city council may refuse to issue a business license to the concerned business, or if a business license has previously been issued, may suspend or revoke such license.

**7.045 Suspension or Revocation--Effect.**

If a business license is suspended or revoked, the concerned business shall immediately cease conducting any and all businesses within the city. Any business which continues to conduct business within the city subsequent to action by the city council to suspend or revoke the city license for such business shall be subject to the same fine and penalties as if such a business had never obtained a city business license and was carrying on business within the city without such a business license.

**7.050 Rehearing.** Any business which has been denied a city business license or has had a city license suspended or revoked by action of the city council under the provisions of sections 7.000 to 7.080, shall have the right of a rehearing before the city council for the purpose of reconsideration of such action of the city council, if in the opinion of the city council, the concerned business has presented substantial new evidence relevant to the refusal of the city to issue a business license or to the suspension or revocation of a previously issued business license. A request for rehearing shall be presented in writing by the concerned business to the city council and

shall set out the new evidence that the concerned business seeks to bring before the city council. If the city council grants a rehearing, it will be conducted in the same manner as a public hearing to determine whether a business license should be initially issued or whether if one had previously been issued, if it should be suspended or revoked, except that the only evidence or testimony which the city council shall hear in the rehearing, is that which is relevant or material to the new evidence set forth in the request for rehearing by the concerned business.

**7.055 Issuance of Business License.** Upon application being made, any investigation required by sections 7.000 to 7.080, to be made having been satisfactorily completed without a determination by the city officials set out in section 7.035 that the business is dangerous to public health, safety, welfare, or likely to become or is now a public menace or nuisance, or if such a determination has been so made, and if the city council finds that such determination is not supported by substantial evidence, and if the fee is paid as herein provided, a license shall be issued by the city administrator.

**7.060 Effect of License Issuance.** The issuing of a license pursuant to sections 7.000 to 7.080 or the collection of a fee shall not permit any person to engage in any unlawful business. The license fee levied and fixed by sections 7.000 to 7.080 shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law. All ordinances of the city in force on the effective date of the ordinance codified in sections 7.000 to 7.080 pertaining to or covering any business, pursuit or occupation, and providing a license or condition for its operation, shall remain in full force and effect; and in the event of a conflict or duplication of a license fee, then such other ordinance shall have precedence over the provisions of sections 7.000 to 7.080, to the extent that there will be no

duplication of license fees for the same business, occupation, profession or pursuit.

**7.065 Separate License for Separate Locations.** If any person operates a business in the city in more than one location, each location shall be considered a separate business for the purpose of sections 7.000 to 7.080, except the warehouses used in connection with a business shall not be so separately licensed.

**7.070 Display of Business License.** All licenses issued in accordance with sections 7.000 to 7.080 shall be openly displayed in the place of business or kept on the person or on the vehicle of the person hereby licensed and shall be immediately produced and delivered for inspection to the police officer, chief of the fire department, and their agents or subordinates, when requested by such individuals to do so. Failure to carry such license or produce the same on request shall be deemed a violation of sections 7.000 to 7.080.

**7.075 Business License Year, Fee Schedule, Payments and Delinquency Charges.**

(1) The business license year shall be the city's fiscal year, July 1st through June 30th.

(2) License fees shall be set by resolution of the council.

(3) The business license fee shall be paid annually in advance of the business license year. If a person begins engaging in business within the first six months (July to December) of the fiscal year, the fee shall be the amount charged for a full year; if a person begins engaging in business during the third quarter (January to March) of the fiscal year, one-half of the annual license fee will be charged for the remainder of the fiscal year; and if a person begins engaging in business during the fourth quarter (April to June) of the fiscal year, one-fourth of the annual

license fee will be charged for the remainder of the fiscal year. In situations where a person intentionally engages in business for less than 31 days, one-fourth of the annual fee shall be charged.

(4) The business license fee shall be considered delinquent if not paid by August 1st of the business license year. If a person begins engaging in business after the start of the business license year, the fee shall be considered delinquent if the tax is not paid within 30 days after commencement of the business activity. The date that the business license fee is received by the city or the date of the postmark if remittance is made by mail shall be used in determining when the business license fee is paid.

(5) If the business license fee is not paid on or before the delinquency date, a delinquency charge equal to ten percent of the original business license fee due shall be added for each 30-day period, or fraction thereof, during which the business license fee and any accumulated delinquency charges remain unpaid. The total amount of the delinquency charge for any business license year shall not exceed 100 percent of the business license fee due for the year.

**7.080 Transfer, Assignment or Refund of Business License.**

(1) No transfer or assignment of any business license issued hereunder shall be valid or permitted except that whenever any person sells or transfers in whole a business for which such license has been paid and not refunded and the operation of the business has not materially changed, then the vendee thereof shall not be required to pay any additional license thereon for the balance of the business license year.

(2) In the event that a person discontinues business activity within the city, the person shall not be entitled to a refund of any portion of the business license fee.

## ADULT BUSINESSES

**7.100 Purpose.** The purpose of sections 7.100 to 7.185 is to provide for the regulation of certain types of adult business activities that the council finds present an extraordinary risk of being utilized to facilitate and conceal criminal conduct including offenses involving prostitution, controlled substances, theft, gambling, fraud, obscenity and often involving organized, systematic criminal activities. Therefore, sections 7.100 to 7.185 are intended to minimize such risk by providing for the strict regulation of such business activities and by prohibiting those persons who have previously been involved in such criminal conduct from participating in such business activities. In making this determination, the council has specifically considered the impact that such regulations will have upon the competitive nature of such business activities, and finds that the need for such regulations outweighs such impact.

**7.105 Definitions.** For the purpose of sections 7.100 to 7.185, the following definitions shall apply:

**Adult business.** The operation of any establishment(s), regardless of whether alcoholic beverages are served or not, to which the public has access, whether or not by purchase of an admission ticket or membership, and which is (are) utilized to present, as a substantial or significant portion of its entertainment, live performances that involve nudity.

**Nudity or nude.** Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered, and, in the case of a female, exposing to view one or both breasts without a circular covering, centered on the nipple, that is at least three inches in diameter and does not simulate the organ covered.

### 7.110 Permits Required.

(1) It is a violation of this code for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of any adult business unless a permit for such business has first been obtained from the city administrator.

(2) It is a violation of this code for any person to entertain in any adult business or to be employed by any adult business unless a permit for such entertainment or employment has first been obtained from the city administrator.

### 7.115 Fees.

(1) Every applicant for a permit to own, maintain, operate or conduct an adult business shall file an application with the city administrator and pay a fee in an amount set by council resolution.

(2) Every applicant for a permit to entertain or be employed by any adult business shall file an application with the city administrator and pay a fee in an amount set by council resolution.

### 7.120 Application for Adult Business Permit.

(1) An application for such an adult business permit shall set forth the following:

(a) Written proof that the applicant is at least eighteen years of age;

(b) Business occupation, or employment for the three years immediately preceding the date of application;

(c) The business license and permit history of the person in operating a business identical to or similar to those regulated by sections 7.100 to 7.185;

(d) Whether such person, previously operating such business in this or any other city or state under any license or permit, has had such

license or permit revoked or suspended, the reason(s) therefor, and the business activity or occupation of the person subsequent to such action of suspension or revocation;

(e) The name, address, telephone number, birth date and principal occupation of the applicant and managing agent;

(f) The name, address, and telephone number of business or proposed business and a description of the nature of the business to be operated;

(g) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a partnership, the application shall set forth the names, birth dates, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited, or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the name, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than five percent of the outstanding shares) and the number of shares held by each;

(h) Any criminal convictions, or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, fraud, tax evasion, or racketeering as defined in ORS chapter 166, of each applicant and natural person enumerated in subparagraphs (a) through (g) of this subsection;

(i) All residence addresses for the past three years of each natural person enumerated in subparagraphs (a) through (g) of this subsection;

(j) A personal financial statement of each natural person enumer-

ated in subparagraphs (a) through (g) of this subsection, including the location of all of such persons' bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.

(2) Each applicant and natural person enumerated in subsection (1) of this section shall personally appear before the police officer, or his designee, for fingerprinting and the taking of photographs.

(3) The application form required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent permitted by law.

#### **7.125 Application to Entertain in or be Employed by an Adult Business.**

(1) An application for a permit to entertain or work in an adult business shall set forth the following:

(a) Written proof that the applicant is at least eighteen years of age;

(b) The name, address, telephone number, birth date and principal occupation of the applicant;

(c) The social security number of the applicant;

(d) The name of the business and the business address of the adult business(es) where the applicant intends to entertain or work, if known;

(e) The business, occupation, or employment history of applicant for the three years immediately preceding date of application;

(f) Any arrests or criminal convictions relating to theft, controlled substances, gambling, obscenity, prostitution, fraud, tax evasion, or racketeering as defined in ORS chapter 166; and, in the case of any person who will carry out any work relating to security or

maintaining order in an adult business, such as "bouncer", any arrests or convictions relating to harassment, assault, menacing or the use or possession of weapons as defined in state law.

(2) Each applicant shall personally appear before the police officer or his designee for fingerprinting and the taking of photographs.

(3) The application form required by this section, which contains personal information, shall remain confidential to the maximum extent permitted by law.

### **7.130 Issuance and Renewal of Adult Business Permit.**

(1) Upon the filing of an application for and payment of the required fee, the police officer shall conduct an investigation of the applicant and the city administrator shall issue such permit if no cause for denial as noted in sections 7.100 to 7.185 exists.

(2) The application for a business permit shall be denied if:

(a) The applicant, or any other person who will be directly engaged in the management or operation of the business, or any person who owns five percent or more interest in the business, has previously owned or operated a business regulated by sections 7.100 to 7.185 and the license or permit for such business has been revoked for cause which would be grounds for revocation pursuant to sections 7.100 to 7.185, or if such business has been found to constitute a public nuisance and abatement has been ordered; or if such person has been convicted of or evidence exists that supports a finding by the preponderance of the evidence the applicant or such other person has committed any criminal offense noted in section 7.120;

(b) The operation as proposed by the applicant would not comply with all applicable requirements of this code including but not limited to the building, health, planning, zoning and fire codes of the city;

(c) Any statement in the application is found to be false or any required information is withheld;

(d) Any employee is found to have committed any criminal offense noted in section 7.125 of this code, and such violation either occurred on the premises of the establishment subject to the permit, or was connected in such time and manner with the operation of the establishment, so that the person(s) in charge of the adult business knew, or should reasonably have known, that such violation(s) would occur.

(3) For the purpose of sections 7.100 to 7.185, the offenses listed in this section shall be considered to be defined by the statutes of the state unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the state or ordinances of the city specified in sections 7.100 to 7.185 shall be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the applicable Oregon statutes or Lafayette ordinance provisions.

(4) Notwithstanding the mandatory direction of subsection (2), the city administrator may grant a permit, with the concurrence of the police officer, despite the presence of one or more of the factors enumerated, if he concludes that the applicant has established to his satisfaction that the behavior evidenced by such factor is not likely to recur, or is remote in time, or occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of sections 7.100 to 7.185.

## Lafayette Code

(5) The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance, shall be valid only for a single location, and shall be displayed on such premises so as to be visible to patrons. When the business location is changed, the address of the new location shall be provided in writing to the city administrator for approval at least 10 days prior to such change.

(6) Denial of a permit may be appealed to the city council by filing written notice of an appeal with the city administrator within 10 days of the date of denial.

### **7.135 Issuance and Renewal of Permit to Entertain in or be Employed by an Adult Business.**

(1) Upon receipt of an application to entertain in or be employed by an adult business, the police officer shall conduct an investigation of the applicant and the city administrator shall issue such permit if no cause for denial as noted in sections 7.100 to 7.185 exists.

(2) Application for a permit shall be denied if:

(a) The applicant has been convicted of or evidence exists that supports a finding by the preponderance of the evidence that the applicant has committed any criminal offense noted in section 7.125;

(b) Any statement in the application is found to be false.

(3) For the purpose of sections 7.100 to 7.185, the offenses listed in this section shall be considered to be defined by the statutes of the state unless otherwise specified. Any arrest or conviction for conduct other than that denoted by the statutes of the state or ordinances of the city specified in sections 7.100 to 7.185 shall be considered to be equivalent to one of such offenses if the elements of such offense for which the person was arrested or convicted would have constituted one of the above offenses under the

applicable Oregon statutes or Lafayette ordinance provisions.

(4) Notwithstanding the mandatory direction of subsection (2), the city administrator may grant a permit, with the concurrence of the police officer, despite the presence of one or more of the factors enumerated, if he concludes that the applicant has established to his satisfaction that the behavior evidenced by such factor is not likely to recur, or is remote in time, or occurred under circumstances which diminish the seriousness of the factor as it relates to the purpose of sections 7.100 to 7.185.

(5) The permit shall be for a term of one year, shall be nontransferable, shall expire on the first anniversary of its issuance and shall be available for inspection at such premises in which the permittee is entertaining or employed.

(6) Denial of a permit may be appealed to the city council by filing written notice of an appeal with the city administrator within ten days of the date of denial.

### **7.140 Revocation or Suspension of Permit.**

(1) Any permit issued for an adult business pursuant to sections 7.100 to 7.185 may be revoked or suspended by the city administrator, with the concurrence of the police officer, for any cause which would be grounds for denial of a permit or where investigation reveals that any violation of the provisions of sections 7.100 to 7.185 or any offense noted in section 7.125 has been committed by any person who entertains or is employed on the premises and such offense is connected in time and manner with the operation of the establishment so that the person(s) in charge of such establishment knew, or should reasonably have known, that such violations would occur, or that such violations have been permitted to occur on the premises by the permit holder or any employee, or that a lawful inspection has been refused, or that such adult business activities cause significant litter, noise,

vandalism, vehicular or pedestrian traffic congestion, or other locational problems in the area around such premises.

(2) Any permit issued to any person to entertain or work in an adult business may be revoked or suspended by the city administrator for any cause which would be grounds for denial of a permit.

(3) Any permit shall be revoked or suspended if any statement contained in the application therefor is found to have been false.

(4) The city administrator, upon revocation or suspension of any permit issued pursuant to sections 7.100 to 7.185, shall give the permittee written notice of such revocation or suspension by causing notice to be served upon the permit holder at the business or residence address listed on the permit application. Service of such notice shall be accomplished either by mailing the notice by certified mail, return receipt requested, or at the option of the city administrator, by personal service in the same manner as a summons served in an action at law. When notice is sent by certified mail and is returned, receipt unsigned, service of notice shall be accomplished by personal service in the same manner as a summons is served in an action at law. Refusal of the service by the person whose permit is suspended or revoked is prima facie evidence of receipt of the notice. Provided further, that service of notice upon the person in charge of a business during its hours of operation shall constitute prima facie evidence of notice to the person holding the permit to operate the business. Suspension or revocation shall be effective and final ten days after the giving of such notice, unless such suspension or revocation is appealed by filing a written notice of appeal to the city council with the city administrator of the city.

**7.145 Appeals.** The filing of an appeal of a revocation or suspension of a permit under sections 7.100 to 7.185 shall stay the effec-

tiveness of such suspension or revocation until the appeal is determined by the council. Upon receipt of notice of the appeal, the auditor shall give notice of the filing of the appeal to the city administrator, who shall file a report with the council containing the reasons for such denial, revocation or suspension. The notice of appeal filed with the city administrator shall contain an address for the appellant to which all notices required in sections 7.100 to 7.185 may be mailed. The city administrator shall set a date for a council hearing upon the denial, revocation or suspension. At the hearing the city administrator shall report to the council his reasons for denying, revoking or suspending the permit. The person whose application has been denied or whose permit has been revoked or suspended shall have the right to call witnesses and be heard by council and file a written statement in his behalf. At the conclusion of the hearing, the council shall determine the appeal and the decision of the council shall be final. If the council denies the appeal, the revocation or suspension shall be effective immediately.

**7.150 Duties of Adult Business Permit Holder.**

(1) No person who has been issued a permit to operate a business regulated under sections 7.100 to 7.185 shall permit any person to engage in any conduct for which a permit is required by section 7.110(2) unless:

(a) Such person has a valid permit issued by the city administrator to perform such act; and

(b) Written notice has been given to the city administrator that such person will engage in such activity on the premises; and

(c) The name and current residence address of such person has been placed on file with the city administrator.

(2) Upon termination of the employment of any such person, the business permit

holder shall give written notice of such termination to the city administrator within ten days of such termination. Further, the adult business permit holder shall, within ten days thereof, inform in writing the city administrator of any change in the information required by section 7.120.

(3) A current, complete copy of all financial records required to be kept by an adult business permit holder for Oregon state and federal tax purposes regarding the operation of such business shall be maintained on such business premises. Such records shall be subject to inspection pursuant to section 7.180.

(4) No nude entertaining shall occur closer than ten feet from any patron.

(5) All nude entertaining shall only occur on a stage which is raised at least two feet from the level of the main floor in the adult business, and shall only be provided by persons who have a valid permit when required by sections 7.100 to 7.185.

(6) No person shall be admitted to an adult business as a patron or customer unless such person is eighteen years of age or older or accompanied by parent or guardian.

(7) No person under the age of eighteen shall entertain in or be employed by an adult business.

(8) No person employed by an adult business shall engage in any activity on any property in the vicinity of any adult business for the purpose of soliciting, beckoning, requesting, or suggesting to any person(s) to enter such premises as a patron.

#### **7.155 Prohibited Conduct in Adult Business.**

(1) It is unlawful for any person while engaging in nude entertaining in an adult business to come into physical contact with any patron.

(2) It is unlawful for any person while engaging in nude entertaining in an adult business to directly or indirectly accept any gratuity.

(3) It is unlawful for any person who performs nude entertainment in an adult business, while not entertaining, to come into physical contact with any patrons or to appear in any area to which patrons have access, while in a state of nudity.

**7.160 Advertising Restrictions.** No adult business regulated under sections 7.100 to 7.185 shall cause to be placed or maintained, in such a location as can be viewed by persons in any public street, any sign(s), photographic, pictorial or other graphic representation(s) that depict in whole or in part, or any page, poster or other printed matter bearing a verbal description or narrative account of, the following:

(1) Sadomasochistic abuse, sexual conduct or sexual excitement, as defined in ORS 167.060; or

(2) Nudity.

**7.165 Hours of Operation.** No nude entertainment shall occur in an adult business between the hours of 2:00 a.m. and 8:00 a.m.

**7.170 Exterior Design Restrictions.** No adult business shall have a window or door on the exterior wall which permits an interior view of the premises from the street or sidewalk.

**7.175 Maintenance of Premises in Violation Declared a Nuisance--Abatement.** Any establishment maintained in violation of the provisions of sections 7.100 to 7.185 is declared to be a public nuisance. The city attorney is authorized to bring any action or suit to abate such nuisance by seeking injunctive or any other appropriate relief in any appropriate forum when he or she has reasonable cause to believe a nuisance under this section exists, regardless of whether or not any individual has been convicted of a violation of sections 7.100 to 7.185.



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## Welcome to the City of Mt. Angel

City Home > Business

### Permits and Licenses

The City of Mt. Angel does not require a business license for all businesses, however there are a few permits related to certain types of business activity.

#### Sign Permit

Most new signs require a sign permit from the City. The rules are covered in Chapter 11 of our Development Code. For more information, please call City Hall 503-845-9291.

#### Sidewalk Cafe Permit

Any business serving food and beverages outside the business on the public right-of-way (sidewalk) needs a sidewalk cafe permit.

The application form is included below and requires a drawing/map of your proposed sidewalk use area, a certificate of liability insurance and payment of \$40. Please contact us at City Hall with any questions.

#### Transient Merchant License

A transient merchant is any person who sells goods, wares, services, or merchandise at a fixed location on public or private property not within a permanent structure or building (Mt. Angel Municipal Code Chapter 114).

This includes business activity such as a fruit stand or selling Christmas trees.

**Please note:** non-profit business activity during Oktoberfest INSIDE Oktoberfest's street closure areas are handled by Oktoberfest and do not require transient merchant licenses from the City. This area is defined each year by an agreement between the City and the Oktoberfest organization. Please call us at City Hall for more information.

#### Supporting Documents

##### File Attachments:

- [Transient Merchant Permit Application \(294 KB\)](#)
- [Sign Permit Application \(90 KB\)](#)
- [Sidewalk Cafe Permit Application \(705 KB\)](#)
- [Gaming License Application \(52 KB\)](#)



### Upcoming Events

LEGO Club

03/01/2016 – 4:45pm

Indoor Playtime At The Library

03/02/2016 – 11:30am

LEGO Club

03/08/2016 – 4:45pm

[View The Monthly Calendar](#)

### Latest News

[Read to the Dogs program at the Library!](#)

[Friends of the Library Book Sale on February 26 & 27th!](#)

[City now Accepting Applications for Planning Commission Vacancy](#)

[View all News](#)

### Resource Center

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[Alcohol Permit Application](#)

[Bavarian Theme Design Review Application](#)

[Building Permits](#)

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**ORDINANCE NO. 417**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,  
AMENDING MUNICIPAL CODE 6.15 BUSINESS LICENSES**

**WHEREAS**, the City of North Plains has an ordinance to administer business license permits, and

**WHEREAS**, the City Council seeks to clarify the language of the ordinance to ensure business licenses are treated as a revenue raising process rather than a regulatory process.

**THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,  
ORDAINS AS FOLLOWS:**

**Section 1.** The Municipal Code Chapter 6.15 Business Licenses as stated on Exhibit A.

**Section 2.** Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**INTRODUCED** on the 20<sup>th</sup> day of May, 2013, **AND ADOPTED** this 3<sup>rd</sup> day of June, 2013.

**CITY OF NORTH PLAINS, OREGON**

By: \_\_\_\_\_



David Hatcher, Mayor

ATTEST:

By: \_\_\_\_\_



Martha DeBry, City Manager/City Recorder

**Chapter 6.15  
BUSINESS LICENSES**

.010 Purpose.

This Chapter is designed to provide revenue for municipal purposes and has no regulatory purpose whatsoever. Issuance of a Business License by the City is not to be construed nor is it permission or license to engage in any business activity or occupation. The fees, penalties and other charges required or imposed are in addition to any other regulatory or non-regulatory certificate, license or permit fee that may be required by any federal, state or local jurisdiction including the City.

.020 Definitions

As used in this Chapter:

- A. "Business" includes all professions, trades, occupations, shops, apartments, tenements, office buildings and every kind of calling carried on for profit or livelihood.
- B. "Certificate of Compliance" "Certificate" "License" means the document issued upon full compliance with the terms of this Chapter for the tax year in question.
- C. "City" means the City of North Plains, Oregon.
- D. "Employee" means any person working for, within or under the auspices of a business (other than a bona fide independent contractor or leased employee) regardless of the employment, management or ownership status of that person; including common law and statutory wage earning, commission and salaried employees, executive and common employees, agents, sales representatives, sole proprietors, partners, corporate officers and any and all persons associated directly with the business.
- E. "Exemption certificate" means a document issued by the City in lieu of a License to businesses and activities qualifying under Section .030.
- F. "Motor vehicle for hire" means a motor vehicle used in the transportation of passengers for hire (including a taxicab or limousine) not operating over a fixed and definite route as well as a shuttle car that may operate under a fixed route and time schedule.
- G. "Person" includes all domestic and foreign corporations, associations, syndicates, partnerships, joint ventures and individuals transacting and carrying on any business in the City excepting individuals whose compensation is based on an hourly, daily, weekly, monthly or annual wage or salary.
- H. "Transfer" means to transfer ownership or name of a business. It does not mean a change in business location.

.030 License or Certificate Required

- A. Except as provided in subsection (B), any person operating or carrying on business in the City shall obtain a Certificate of Compliance and pay the required fee with the exception of businesses specifically exempted from payment thereof by state or federal law.

- B. In lieu of a Certificate of Compliance and the requirement to pay related fees, an Exemption Certificate shall be issued without charge to businesses and activities described in (1) through (6) below. Notwithstanding the foregoing, a qualifying business or activity must complete and file an initial and thereafter an annual renewal Exemption Certificate application. Businesses and activities qualified under this provision are:
1. Religious, educational, governmental and charitable organizations specifically exempt from taxation under the Federal Internal Revenue Code;
  2. Utilities franchised by and paying a franchise fee to the City;
  3. Any business or occupation specifically exempt from the payment of a non-regulatory business license fees under state law or federal law;
  4. Any household or garage sale.
  5. Any contractor or landscape contractor which is exempt from payment of a business license fee under state law;
  6. Participants selling goods or services at an event presented by organizations listed in (1) or by the City;
  7. Producers of farm products raised in Oregon, produced by themselves or their immediate families and sold by them or by a member of their immediate family;
  8. Renting or leasing of residential real property, consisting of two or fewer dwelling units.

.040 Fees – Generally

- A. There is imposed upon Businesses fees in amount(s) prescribed by Council resolution. It is unlawful for any person to conduct business in the City without first having paid said fees and obtained a Certificate of Compliance and renewing the license for each year thereafter the Business is conducted in the City.
- B. A Certificate of Compliance or an Exemption Certificate shall be effective on the date of its issuance and shall be renewed annually thereafter on that date.
- C. The fee imposed by this section is due not later than the issuance date for the Certificate of Compliance and annually by that date thereafter. A fee will be deemed delinquent thirty (30) days after it is due. Fees are neither refundable nor prorated.
- D. Each branch or location of a business shall obtain a separate Certificate excepting warehouses used only in connection with a licensed business.
- E. The agent(s) of a nonresident business for which a Certificate is required shall be jointly liable for payment of the fee and for any penalties for failure to pay the fee or to comply with this Chapter's provisions to the extent and with like effect as if such agent or agents were themselves proprietors.

.050 Presumption of doing business.

A person is presumed to be doing business in the City and subject to this Chapter if engaged in any of the following activities:

- A. Advertising or otherwise professing to be doing business within the City;
- B. Delivering goods or providing services to customers within the City;
- C. Owning, leasing or renting personal or real property within the City which is used in a trade or business;
- D. Engaging in any transaction involving the production of income from holding property or the gain from the sale of property, which is not otherwise exempted in this Chapter. Property may be personal, including intangible or real in nature; or
- E. Engaging in any activity in pursuit of gain which is not otherwise exempted in this Chapter.

.060 Fee

The fee for issuance of a Certificate of Compliance shall be set by City Council resolution.

.070 Businesses not operating from a facility within the City.

Unless otherwise provided in Section .030 all persons doing business within the City are subject to provisions of this Chapter regardless of the location of the facility used as the base for conducting such business.

.080 Application procedures

- A. All licenses shall be issued by the City Recorder upon written application provided by the City Recorder.
- B. If more than one business takes place at the same location and is operated under the same ownership but is operated under other business name(s), one application may be filed provided each business is clearly and separately identified and all relevant information is included in the unified application.
- C. No Certificate may be transferred without written application to the City Recorder. An entry of a transfer shall be made by the Recorder in the License records for which the Recorder shall charge and receive a fee as established by Council resolution.
- D. An application for an initial Certificate of Compliance or an application for a change in address due to the relocation of a currently licensed business shall be accompanied by full payment of an application fee. No such application shall be accepted by the City Recorder unless all information contained therein is complete.

.090 Falsifying application information – Failure to comply

- A. No person shall make any false or misleading statement to the City Recorder for determining the amount of any fee to be paid the City or to fail to comply with any provision(s) of this Chapter.

- B. In the event a person fails, refuses or neglects to obtain the Certificate before it becomes delinquent, the Recorder shall collect a penalty of five percent (5%) for each calendar month or fraction thereof for the period of the delinquency which sum shall be in addition to the required fee.

.100 Violation does not exempt payment of fee.

Violation of any provision of this Chapter does not operate to relieve a Business of liability for paying any fee or penalty for which such Business is liable nor shall payment of any such fee or penalty be a bar to or prevent any judicial proceedings being brought by the City for violations of this Chapter.

**Title 5**

**BUSINESS LICENSES AND REGULATIONS**

**Chapters:**

- 5.04 Alcoholic Beverages**
- 5.08 Franchises**
- 5.12 Business Licenses**
- 5.14 *Repealed***
- 5.16 Regulation of Tobacco and Electronic Smoking Device Products**
- 5.20 Regulation of Tobacco and Electronic Smoking Device Stores**
- 5.24 *Repealed***
- 5.28 Regulation of Payday Lending**
- 5.30 Social Games**
- 5.34 Marijuana Facilities**
- 5.40 Regulation of Transient Business**

## **Chapter 5.04**

### **ALCOHOLIC BEVERAGES**

Sections:

5.04.005 Violation.

5.04.010 Consumption or sale – Permit requirements.

**5.04.005 Violation.**

It is unlawful to drink or consume any alcoholic liquor in or upon any public street, alley, park, school grounds or other public grounds in the city. The penalty for violating the ordinance codified in this chapter shall be under the general penalty provisions of Chapter 1.08 SMC. (Ord. 89-108 § 1, 1989)

**5.04.010 Consumption or sale – Permit requirements.**

The city manager, upon good reason being sworn, may grant a permit to consume and/or sell alcoholic beverages to a qualified applicant. An applicant must apply for such permit and state the reasons why such is needed, and agree to comply with all city and state laws pertaining to the sale and consumption of alcoholic beverages. (Ord. 853 § 1, 1987; Ord. 261 § 8A, 1934)

**Chapter 5.08**  
**FRANCHISES**

Sections:

- 5.08.010 Chapter applicability.
- 5.08.020 Chapter as part of franchise agreement.
- 5.08.030 Written report required – Contents.
- 5.08.040 Amounts paid subject to audit.
- 5.08.050 Audit cost.

**5.08.010 Chapter applicability.**

All franchises hereinafter granted and entered into by the city shall be subject to this chapter. (Ord. 92-106, 1992)

**5.08.020 Chapter as part of franchise agreement.**

The requirements of this chapter shall be construed to be a part of any franchise agreement entered into hereinafter. (Ord. 92-106, 1992)

**5.08.030 Written report required – Contents.**

Not later than September 1st of each year during the term of any franchise, the franchisee shall submit a written report to the city which shall include the following:

Financial statements prepared in accordance with generally accepted accounting principles. Financial statements shall be attested to by a responsible corporate officer of the franchisee verifying that the information provided is accurate. The statements shall include income statements, balance sheets and statements of changes in financial position, together with notes and disclosures describing allocation methodology and other information needed to allow proper interpretation of the statements by an independent auditor. (Ord. 92-106, 1992)

**5.08.040 Amounts paid subject to audit.**

All amounts paid by the franchisee to the city shall be subject to audit and recomputation by the city based upon the financial statements provided above or any additional information requested by the city. (Ord. 92-106, 1992)

**5.08.050 Audit cost.**

The cost of an independent audit shall be paid as follows:

- A. In the event that the audit discloses that the payment made was 99 percent accurate, the city shall pay the cost of such audit.
- B. If the audit discloses that the grantee has paid more than 95 percent but less than 99 percent of the franchise fee owing for the period at issue, the city and the franchisee shall share equally in the cost of such audit.
- C. If the audit discloses that the grantee has paid 95 percent or less of the franchise fee owing, then the franchisee shall pay for the cost of the audit. (Ord. 92-106, 1992)

**Chapter 5.12**  
**BUSINESS LICENSES**

Sections:

- 5.12.010 Purpose.
- 5.12.020 Definitions.
- 5.12.030 Business license required.
- 5.12.040 One act constitutes doing business.
- 5.12.050 Presumption of engaging in business.
- 5.12.060 Exemptions.
- 5.12.062 License applications.
- 5.12.065 *Repealed.*
- 5.12.068 License – Approval process.
- 5.12.070 License – Renewal.
- 5.12.080 License – Display.
- 5.12.090 License – Nontransferable.
- 5.12.100 Two or more businesses on the same premises.
- 5.12.110 Two or more business premises.
- 5.12.120 Violation does not exempt payment of fee – Penalty.

**5.12.010 Purpose.**

A. This chapter is designed to collect information about businesses operating in the city and provide revenue for municipal purposes. This chapter is not for any regulatory purpose whatsoever and the issuance of a license by the city pursuant to the terms hereof is not to be construed nor is it permission or license to engage in any business activity or occupation. The fees, penalties and other charges required or imposed by this chapter are in addition to any other regulatory or nonregulatory certificate, license or permit fees that may be required by any federal, state or local jurisdiction, including the city.

B. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from taxation or regulation by the city by virtue of the Constitution of the United States or that of the state of Oregon or applicable federal or state law. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.020 Definitions.**

As used in this chapter, except where the context otherwise indicates, the following definitions apply:

- A. “Business” means any occupation, profession, or commercial activity engaged in for profit or livelihood in the city. This definition includes but is not limited to transient merchants and home occupations.
- B. “City” means the city of Silverton.
- C. “City manager” means the city manager of the city of Silverton or his/her designee.
- D. “Council” means the city council of the city of Silverton.
- E. “Garage sale” means a commercial activity open to the public, conducted at a private residence where personal property is sold to others; provided, that no more than three garage sales per residence per year shall occur and that no garage sale shall exceed three days in duration.
- F. “Home occupation” means an occupation carried on within a dwelling, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

G. "License" means the document issued upon full compliance with the business license law for the tax year in question.

H. "Licensee" means a person who has a valid license issued pursuant to this chapter.

I. "Merchandise" means goods or commodities that may be bought or sold. Nothing in this chapter is intended to limit or restrict sales of books or newspapers based on the content of the material.

J. "Owner" means any person having proprietary interest in residential property, to include but not limited to a renter, tenant, or authorized agent of such person.

K. "Nonprofit" means any business or organization which holds a certificate of exemption from taxes from the Internal Revenue Service. In the instances where a nonprofit business or organization serves as sponsor of an event they may coordinate the licensing of individual permits under the sponsoring organization.

L. "Person" means every natural person, corporation, partnership, association or any other group acting as a unit.

M. "Posted" means the placing of a clearly readable sign or placard in English stating "No Solicitors" or "No Solicitation" readily visible to any person attempting to enter the property from the nearest street or public sidewalk.

N. "Principal" means a person who would be directly involved in the management or operation of the business.

O. "Sales" means the act of selling involving the transfer of money.

P. "Solicitation" means any oral or written request to purchase or trade any product or thing; to contribute or donate money or property for any purpose or cause; to render opinions or answer surveys on any subject or to endorse or support by petition any product, candidate, or cause.

Q. "Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.030 Business license required.**

It shall be unlawful for any persons, for themselves or as agent or employee of another, to transact and carry on any business, trade, profession, calling, or occupation within the city of Silverton, Oregon, unless:

A. Such business activity has been duly licensed as herein provided; and

B. The license is valid at the time of the transaction. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.040 One act constitutes doing business.**

For the purpose of this chapter, any persons shall be deemed to be engaging in business or engaging in nonprofit enterprise, and thus subject to the requirement of SMC 5.12.030, when undertaking one of the following acts:

A. Selling any goods or service;

B. Soliciting business or offering goods or services for sale or hire; and/or

C. Acquiring or using any vehicle or any premises in the city for business purposes. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.050 Presumption of engaging in business.**

Any person that advertises or otherwise holds himself out to the public as engaged in any business, profession, trade or calling for which a license is required shall be presumed to be so engaged and shall pay such license fee as is required by this chapter. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.060 Exemptions.**

The requirements contained in this chapter shall not apply to:

- A. Garage sales;
- B. An individual performing babysitting, nursery or child-care activities on a part-time basis;
- C. An individual employed by a business which has obtained a license;
- D. An individual hired or employed on an intermittent or casual basis by a household, business or other employer to supply only services;
- E. A person whose primary activity consists of delivering goods inside the city for a business located outside the city;
- F. A person who leases two or fewer units of residential real estate within the city;
- G. Self-employed minors engaged in intermittent or casual economic activity;
- H. Federally tax-exempt organizations and nonprofit religious organizations;
- I. City-sponsored activities and businesses operating under a city franchise. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.062 License applications.**

A. Applications for business licenses shall be submitted on forms to be provided by the city of Silverton. Every such application shall be signed by the owner or a duly authorized agent and shall contain the following information, as applicable:

1. Name of person or persons owning the business; if a corporation, the name of an authorized officer.
2. Assumed business name, business phone number, and alternative phone number.
3. Address of business premises, business mailing address, and owner mailing address.
4. Nature of the business.
5. Number of employees.
6. Emergency contact name and phone number.

B. A person shall apply for a license in the following manner:

1. Application for a license shall be made to the city of Silverton on or before January 1st of each year for which a license is required; or
2. If the business goes into operation after January 1st, application shall be made at least 10 days before conducting business in the city.

C. A license shall expire on the last day of the calendar year for which the license was issued, or in the case of a transient merchant, within 90 days of the date the license was issued.

D. Where the business includes activities classifiable in two or more categories, the primary or predominant activity should be designated.

E. Payment of the appropriate fee as established by resolution of the council.

F. License fees shall be computed on the basis of information contained in the application. No license shall be issued unless the applicant pays a license fee to the city in the amount set by resolution of the council.

G. Any other information determined appropriate by the city manager as necessary to review the application and establish that person(s) is authorized to be engaged in the transaction of the business within the city.

H. It shall be unlawful for any person knowingly to sign or submit a business license application containing false information. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.065 Transient business regulations.**

*Repealed by Ord. 15-08.* (Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.068 License – Approval process.**

A. The city manager shall refer each application to the appropriate departments for review.

B. If the license is approved the city manager shall issue a license to the applicant. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.070 License – Renewal.**

A. An application for renewal of a license shall be made and processed in the same manner as an initial application, pursuant to SMC 5.12.062 through 5.12.068.

B. All license renewal fees shall be deemed delinquent if not paid on or before 30 days after the due date. Whenever any license renewal fee is not paid within 30 days of the due date, a late fee shall be imposed and the license will be invalid until payment is made. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.080 License – Display.**

At all times after the issuance of the business license, the licensee shall cause it to be posted in a conspicuous place upon the business premises, available for inspection by the public and by employees and prospective employees of the business. In the case of the transient business or if the licensee has no office, business premises or other established place of business within the city, copies of licenses and state or federal issued photo identification shall be clearly displayed on all representatives of the business present within the city at all times during which business is being conducted by an employee or representative within the city. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.090 License – Nontransferable.**

A license issued pursuant to this chapter is a personal privilege and is not transferable. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.100 Two or more businesses on the same premises.**

If two or more differently classified but related businesses are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily appropriated, and based upon the total number of employees or other units on the whole premises, shall be sufficient for all such activities. Any business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.110 Two or more business premises.**

The conducting of a business or businesses at two or more separate locations shall, for the purposes hereof, be deemed to be separate businesses, and each shall be subject to the license tax herein provided for, except that rental properties, warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business, or branch establishments, or separate types of businesses. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008)

**5.12.120 Violation does not exempt payment of fee – Penalty.**

Violation of any provision of this chapter does not operate to relieve a business of liability for paying any fee or penalty for which such person be liable nor shall payment of any such fee or penalty be a bar to or prevent any judicial proceedings being brought by the city for violations of this chapter.

Any person violating any of the provisions of this chapter is subject to the general penalties provision of SMC 1.08.010. A separate offense shall be deemed committed for each day a violation occurs. (Ord. 15-08 § 1 (Exh. A), 2015; Ord. 09-10, 2009; Ord. 08-08 § 1, 2008. Formerly 5.12.160)

**Chapter 5.14**

**TRANSIENT MERCHANTS**

**(Repealed by Ord. 08-08)**

## Chapter 5.16

### REGULATION OF TOBACCO AND ELECTRONIC SMOKING DEVICE PRODUCTS

Sections:

- 5.16.010 Definitions.
- 5.16.020 Tobacco and electronic smoking devices self service prohibited.
- 5.16.030 Unlawful display.
- 5.16.040 Sale to minors prohibited – Identification required.
- 5.16.045 Retailing requirements and prohibitions.
- 5.16.050 Use and possession of electronic smoking devices by minors.
- 5.16.060 Penalty.

#### **5.16.010 Definitions.**

“Electronic smoking device” means an electronic and/or battery-operated device that delivers nicotine or other substances, which may simulate smoking. “Electronic smoking device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar or cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor. “Electronic smoking device” does not include any product specifically approved by the United States Food and Drug Administration for the purpose of tobacco cessation.

“Electronic smoking device paraphernalia” means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices.

“Minor” means any person under the age of 18 years old.

“Nonsale distribution” means to give, furnish, or cause, or allow to be given or furnished, wholly or for sampling, within the city of Silverton, an electronic smoking device to a person who is not a retailer. This would not apply to city of Silverton licensed tobacco stores, or electronic smoking device stores, if such licensed premises are posted to prevent any minors from accessing or entering the premises.

“Persons” means any natural person, business, employer, nonprofit entity, personal representative, receiver, trustee, assignee, all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies, individuals or any other legal entity including a government agency transacting and carrying on tobacco stores or electronic smoking device stores within the city limits.

“Retailer” means any person who sells, offers for sale, or does or offers to exchange, for any form of consideration, tobacco, electronic smoking devices or electronic smoking device paraphernalia. “Retailing” means the doing of any of these things. This definition is without regard to the quantity of the tobacco, electronic smoking devices or electronic smoking device paraphernalia sold, offered for sale, exchanged, or offered for exchange.

“Self-service display” means the open display or storage of electronic smoking devices or electronic smoking device paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product intended for human inhalation to include but not limited to tobacco or marijuana.

“Use of electronic smoking device” means to inhale, exhale, consume or ingest any product, including the use of any electronic smoking device that is on or producing vapor or other substances.

“Vendor-assisted sales” means the sale of tobacco product(s) or electronic smoking devices dispensed from locked storage or display areas, or sales of tobacco product(s) or electronic smoking devices from unlocked areas which are

not accessible to customers by virtue of fixed counters or permanent barriers that render the tobacco products accessible solely to store sales clerks. As used herein “permanent barriers” do not include movable barriers. (Ord. 15-02, 2015; Ord. 00-114 § 1, 2000)

**5.16.020 Tobacco and electronic smoking devices self service prohibited.**

A. It is unlawful for any person, business, tobacco retailer, vape shop or other establishment subject to this chapter to sell, permit to be sold, or offer for sale any tobacco products, electronic smoking devices or electronic smoking device paraphernalia by means of self-service displays or by means other than vendor-assisted sales.

B. This chapter does not apply to any business, retailer or other establishment who is presently licensed by the Oregon Liquor Control Commission for a dispensing license, and city of Silverton licensed tobacco stores, or electronic smoking device stores, if such licensed premises are posted to prevent any minors from accessing or entering the premises. (Ord. 15-02, 2015; Ord. 00-126 § 1, 2000)

**5.16.030 Unlawful display.**

A. It is unlawful for any person, business, tobacco retailer, electronic smoking device retailer or other establishment subject to this chapter to display for sale any tobacco product(s) or electronic smoking device(s) or electronic smoking device paraphernalia that may be accessed by customers without the direct assistance of the store sales clerks.

B. Tobacco products or electronic smoking devices may not be displayed for sale in areas through which customers would reasonably walk to access any emergency exit, unless such products are displayed under lock and key. (Ord. 15-02, 2015; Ord. 00-114 § 2, 2000)

**5.16.040 Sale to minors prohibited – Identification required.**

A. It is a violation of this chapter to sell, give or furnish, or cause to be sold, given or furnished, any tobacco or tobacco product, an electronic smoking device or electronic smoking device paraphernalia to a minor in any place within the city of Silverton, Oregon.

B. Positive Identification Required. No retailer may sell, give or furnish an electronic smoking device or electronic smoking device paraphernalia to a person who appears to be under the age of 27 years without first examining government-issued identification that contains a photo of the person to confirm that the recipient is at least 18 years of age. (Ord. 15-02, 2015)

**5.16.045 Retailing requirements and prohibitions.**

A. Self-service displays of tobacco or electronic smoking devices are prohibited.

B. Nonsale Distribution Prohibited. A person is prohibited from the nonsale distribution of any tobacco, electronic smoking device or electronic smoking device paraphernalia to a person who is not a retailer unless the business is posted “no one under 18 allowed.” (Ord. 15-02, 2015)

**5.16.050 Use and possession of electronic smoking devices by minors.**

A. No minor may purchase, possess, consume or use any electronic smoking device or electronic smoking device paraphernalia, unless the minor is in a private residence accompanied by the minor’s parent or guardian and with the consent of the minor’s parent or guardian.

B. A minor may not purchase or attempt to purchase or acquire any electronic smoking device or electronic smoking device paraphernalia unless acting under the supervision of an adult for the purpose of testing compliance with federal, state or local law. (Ord. 15-02, 2015)

**5.16.060 Penalty.**

In addition to any other remedy available to the city, any person that violates any provision of this chapter is subject to a civil penalty. The general penalty provision of SMC 1.08.010 applies. Each day that a violation occurs is deemed a separate offense. (Ord. 15-02, 2015; Ord. 97-116, 1997; Ord. 97-113, 1997. Formerly 5.16.040)

## Chapter 5.20

### REGULATION OF TOBACCO AND ELECTRONIC SMOKING DEVICE STORES

Sections:

- 5.20.010 Definitions.
- 5.20.020 Purpose.
- 5.20.030 Permit required.
- 5.20.040 Duration of permit.
- 5.20.050 Permit application.
- 5.20.060 Fee amounts.
- 5.20.070 False information.
- 5.20.080 Violations.
- 5.20.090 Revocation of permit.
- 5.20.100 Suspension of permit.
- 5.20.110 Appeal.

#### **5.20.010 Definitions.**

For the purpose of permitting businesses in the city of Silverton, Oregon, the following definitions apply:

A. "Persons" means any natural person, business, employer, nonprofit entity, personal representative, receiver, trustee, assignee, all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies, individuals or any other legal entity including a government agency transacting and carrying on tobacco stores or electronic smoking device stores within the city limits.

B. "Tobacco store" means any establishment whose sales of tobacco products or electronic smoking devices, electronic smoking device paraphernalia or products meet or exceed 90 percent of the gross receipts of the establishment, and whose premises are not open to persons under 18 years of age. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

#### **5.20.020 Purpose.**

This chapter is enacted to require all tobacco stores to obtain a permit from the city prior to commencing business within the city limits. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

#### **5.20.030 Permit required.**

It shall be unlawful for any person to operate any tobacco store without having first obtained a permit from the city and the fee to be paid as established by resolution of the council.

Any tobacco store existing within the corporate boundaries of the city shall have 30 days in which to obtain a license. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

#### **5.20.040 Duration of permit.**

All tobacco store permits under this chapter are annual and shall expire on June 30th. The required application and permit fee are due on July 1st of each year for the fiscal year commencing with that date and are delinquent on August 1st. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

#### **5.20.050 Permit application.**

A. All tobacco store permits required under this chapter or any other chapter shall be issued by the city manager. The application for any permit shall contain the following information:

1. The description of the tobacco store activities carried on within the city.
2. The name of the applicant, with a statement of all persons having an interest in the business, either as proprietors or owners of the business.
3. The location in which the business is conducted.

4. The date of application.
5. The amount of money tendered with the application.
6. A statement whether the tobacco store premises will be open to minors.

B. The city manager shall refer each application to the appropriate departments for review. Review of the application shall be based on consideration of all available evidence as to whether the proposed tobacco store will meet the requirements of the City Charter and ordinances. The permit may not be granted if:

1. The activity to be permitted would not comply with city ordinances or state or federal laws.
2. The applicant fails to supply the information required, or submits misleading or false information, or submitted misleading or false information on a previous application.

C. Upon a favorable recommendation from each department, the city manager shall issue the permit. If it is determined that the application is denied, the city manager shall notify the applicant of the denial and the reason for denial. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.060 Fee amounts.**

The initial license fee shall be \$50.00. Nothing contained in this chapter may be construed as vesting any right in a permit or a contract obligation on the part of the city as to the amount of the fee. Other taxes or fees and the fees provided by council resolution may be increased, decreased, or created by the city. Any tobacco store may be reclassified at any time and other fees or taxes may be levied. No person who has received a permit and has paid the fee required under this chapter shall be entitled to any refund. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.070 False information.**

It is unlawful for any person to supply false information in connection with any application required by this chapter with intent to obtain a permit or license required in this chapter. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.080 Violations.**

The conviction of a person for violation of any provision of this chapter may not serve to relieve the person from paying the fee or penalty for which the person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this chapter. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.090 Revocation of permit.**

Upon determination that a permitted tobacco store within the city violates city or county ordinances or state or federal laws, or that the application contains false or misleading information, the city manager may revoke the permit upon 10 days' notice in writing to the permittee. The notice shall state the reasons for the revocation. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.100 Suspension of permit.**

Upon determining that a permitted tobacco store presents an immediate danger to persons or property, the city manager may suspend the permit. The suspension takes effect upon the permittee's receipt of the suspension notice, or upon delivery of the notice to the establishment of the permittee's business address. The notice shall state the reason for the suspension. The city manager may continue a suspension as long as the reason for the suspension exists, or until a determination to an appeal regarding the suspension is made. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**5.20.110 Appeal.**

A. Any person whose application for a permit has been denied, or whose permit has been denied renewal, has been suspended or has been revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal in writing to the city council. The appeal shall state:

1. The name and address of the appellant.
2. The nature of the determination being appealed.

3. The reason the determination is incorrect.
4. What the correct determination of the appeal should be.

B. An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the council is final. (Ord. 15-03 § 1, 2015; Ord. 00-127 § 1, 2000)

**Chapter 5.24**  
**BUSINESS LICENSES<sup>1</sup>**

**(Repealed by Ord. 08-08)**

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<sup>1</sup>Editor's note: For provisions on business licenses, please see Chapter 5.12 SMC.

## Chapter 5.28

### REGULATION OF PAYDAY LENDING

Sections:

- 5.28.010 Purpose.
- 5.28.020 Definitions.
- 5.28.030 Permits.
- 5.28.040 Administrative authority.
- 5.28.050 Payment of principal prior to payday loan renewal.
- 5.28.060 Cancellation of payday loan.
- 5.28.070 Payment plan for a payday loan.
- 5.28.080 Remedies.
- 5.28.090 Appeals.
- 5.28.100 Complaints.
- 5.28.110 Severability.

#### **5.28.010 Purpose.**

The city finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to cancel a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This chapter shall be construed in conformity with the laws and regulations of the state of Oregon. (Ord. 06-10 § 1, 2006)

#### **5.28.020 Definitions.**

As used in this chapter unless the context requires otherwise:

“Borrower” means a natural person who receives a payday loan.

“Cancel” means to annul the payday loan agreement and, with respect to the payday loan agreement, return the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.

“Manager” means the city manager or designee.

“Payday lender” means a lender in the business of making payday loans as defined by ORS 725.600.

“Payday loan” means a payday loan as defined by state law.

“Principal” means the original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge. (Ord. 06-10 § 1, 2006)

#### **5.28.030 Permits.**

Within 60 days of the effective date of the ordinance enacting this chapter, any payday lender operating in the city of Silverton shall apply for and obtain a permit to operate as a payday lender. Permits shall be required for each location a lender operates in the city of Silverton and shall be renewed annually. The application shall be in a form to be determined by the manager. The manager shall require the payday lender to report its fee schedule in the payday lender’s permit application. No person shall operate a payday lending business or loan any funds as a payday loan without a current permit to do business issued by the city of Silverton. The annual cost for the permit shall be set by council resolution; this permit is in addition to the city of Silverton’s business license required by Chapter 5.24 SMC. (Ord. 06-10 § 1, 2006)

#### **5.28.040 Administrative authority.**

A. The manager is authorized and directed to enforce all provisions of this chapter. The manager shall have the power to investigate any and all complaints regarding alleged violations of this chapter. The manager may delegate any or all authority granted under this section to a designee.

B. The manager is authorized to adopt and enforce administrative rules interpreting and applying this chapter. The manager or designee shall make written findings of fact and conclusions of law to support all decisions.

C. Prior to adoption of a new administrative rule, the manager shall give notice to all interested parties of the terms of the proposed rule, and shall conduct a public hearing to consider public comment. Public notice shall be given when administrative rules have been adopted.

1. At the public hearing, the manager or designee shall hear oral and written testimony concerning the proposed rule. The manager shall have the power to establish and limit the matters to be considered at the hearing, to prescribe procedures for the conduct of the hearings, to hear evidence, and to preserve order.

2. The manager shall adopt, modify or reject the proposed rule after considering testimony received during the public hearing.

3. Unless otherwise stated, all rules shall be effective upon adoption by the manager. All rules adopted by the manager shall be filed in the office of city manager of the city of Silverton. Copies of all current rules shall be available to the public upon request.

4. Notwithstanding subsections (A) and (B) of this section, the manager may adopt an interim rule without prior public notice upon a finding that failure to act promptly may result in serious prejudice to the public interest or the interest of the affected parties. Such interim rules shall detail the specific reasons for such prejudice. Any interim rule adopted pursuant to this subsection shall be effective for a period not to exceed 180 days.

D. Inspection of Records. The city of Silverton reserves the right to review and/or copy the records of any payday lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the manager or his/her designee. (Ord. 06-10 § 1, 2006)

**5.28.050 Payment of principal prior to payday loan renewal.**

A payday lender may not renew a payday loan unless the borrower has paid an amount equal to at least 25 percent of the principal of the original payday loan, plus interest on the remaining balance of the payday loan. The payday lender shall disclose this requirement to the borrower in a minimum of bold 12-point type. (Ord. 06-10 § 1, 2006)

**5.28.060 Cancellation of payday loan.**

A. A payday lender shall cancel a payday loan without any charge to the borrower, if prior to the close of the business day following the day on which the payday loan originated, the borrower:

1. Informs the payday lender in writing that the borrower wishes to cancel the payday loan and any future payment obligations; and

2. Returns to the payday lender the uncashed check or proceeds given to the borrower by the payday lender or cash in an amount equal to the principal amount of the payday loan.

B. A payday lender shall conspicuously disclose to each borrower that the right to cancel a payday loan as described in this section is available to the borrower. The payday lender shall disclose this requirement to the borrower in a minimum of bold 12-point type. (Ord. 06-10 § 1, 2006)

**5.28.070 Payment plan for a payday loan.**

A. A payday lender and a borrower may agree to a payment plan for a payday loan at any time.

B. A payday lender shall disclose to each borrower that a payment plan described in this section is available to the borrower after the maximum amount of renewals allowed by state law. The payday lender shall disclose this requirement to the borrower in a minimum of bold 12-point type.

C. After a payday loan has been renewed to the maximum amount allowed by state law, and prior to default on the payday loan, a payday lender shall allow a borrower to convert the borrower's payday loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the payday lender and the borrower.

D. The payday lender shall not assess any fee, interest charge or other charge to the borrower as a result of converting the payday loan into a payment plan.

E. The payment plan shall provide for the payment of the total of payments due on the payday loan over a period of no fewer than 60 days in three or more payments. The borrower may pay the total of payments due on the payment plan at any time. The payday lender may not assess any penalty, fee or other charge to the borrower for prepayment of the payment plan.

F. A payday lender's violation of the terms of a payment plan entered into with a borrower under this section constitutes a violation of this chapter. If a payday lender enters into a payment plan with a borrower through a third party that is representing the borrower, the payday lender's failure to comply with the terms of that payment plan constitutes a violation of this chapter. (Ord. 06-10 § 1, 2006)

**5.28.080 Remedies.**

A. Failure to comply with any part of this chapter or the administrative rules may be punishable by civil penalties. The manager may impose a civil penalty of up to \$2,500 for a substantial violation of the chapter or the administrative rules. A substantial violation is a violation having an impact on the public that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.

B. Civil Remedies. Nothing in this section is intended to prevent any person from pursuing any available legal remedies.

C. No civil penalties shall be assessed within 60 days of the effective date of the ordinance codified in this chapter. (Ord. 06-10 § 1, 2006)

**5.28.090 Appeals.**

Any person upon whom a civil penalty has been imposed, or who has been directed by the manager to resolve a complaint, may appeal by filing a notice of appeal with the manager, and following all procedures for appeals provided in SMC 5.24.200 and 5.24.210. (Ord. 06-10 § 1, 2006)

**5.28.100 Complaints.**

The manager shall have the authority to investigate any and all complaints alleging violation of this chapter or administrative rules.

A. The manager (or designee) may receive complaints from borrowers by telephone or in writing. Within a reasonable time, the manager shall forward the complaint by telephone or in writing to the payday lender it concerns for investigation.

B. The payday lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the manager by telephone or in writing within two business days from initial contact by the manager.

C. If the proposed resolution is satisfactory to the manager, the payday lender shall proceed to resolve the complaint directly with the borrower according to the resolution proposed to the manager.

D. If the proposed resolution is not satisfactory to the manager, the manager shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the payday lender accepts the proposed alternative resolution and offers it to the borrower, the complaint shall be final. If the payday lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided in SMC 5.28.080. In the event of imposition of remedies, the payday lender may appeal as provided by SMC 5.28.090. (Ord. 06-10 § 1, 2006)

**5.28.110 Severability.**

If any provision of this chapter, or its application to any person or circumstance, is declared invalid or unenforceable, the remainder of the chapter and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of this chapter shall be severed. (Ord. 06-10 § 1, 2006)

**Chapter 5.30**  
**SOCIAL GAMES**

Sections:

- 5.30.010 Definitions.
- 5.30.020 Social games – Authorization and conditions.
- 5.30.030 Responsibilities of owner and person in charge.
- 5.30.040 Inspection of social games premises.
- 5.30.050 Notice of social games required.
- 5.30.060 Civil penalties.

**5.30.010 Definitions.**

As used in this chapter:

“Social game” means 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.

“Chief of police” or “chief” means the chief of the city police department or his or her designee. (Ord. 12-01 § 1 (Exh. A), 2012)

**5.30.020 Social games – Authorization and conditions.**

Social games as defined in SMC 5.30.010 are authorized only when each of the following conditions is met:

- A. No house player, house bank, or house odds exist;
- B. There is no house income from the operation of a social game;
- C. The social game cannot be observed from a public right-of-way;
- D. The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation;
- E. No owner or principal managing employee, as described in more detail below, shall participate in any social game on the premises;
- F. A charge for a consumer good sold on the premises to an individual playing a social game must not be higher or lower than the price charged to a nonparticipant in the social game;
- G. No owner or principal managing employee may accept any payment, fee, service or gratuity from a social game participant as consideration for participation in the social game on the premises;
- H. No owner or principal managing employee may charge a rental or lease fee for the use of the social game;
- I. At no point in time may a social game be conducted without an owner or principal managing employee present;
- J. No membership fee or cover fee may be charged for participation in the social game; and
- K. All social gaming activities and the business where social gaming is permitted must comply with applicable federal, state and local laws and regulations. (Ord. 12-01 § 1 (Exh. A), 2012)

**5.30.030 Responsibilities of owner and person in charge.**

An owner or person in charge of a business where social gaming is permitted shall:

- A. Clearly designate the areas set aside for social gaming.

B. Designate an agent or employee to act as person in charge of a social gaming premises whenever social games are being played. An owner shall be strictly liable for any violation of this chapter which occurs when no person in charge is present at the social gaming premises.

C. Be strictly liable for any violation of the provisions of this chapter by a person in charge, agent, and employee or designate.

D. Not allow social gaming activities on the premises unless the private business, private club or place of public accommodation meets all applicable requirements of the SMC and has been legally established and in existence for at least six months. (Ord. 12-01 § 1 (Exh. A), 2012)

**5.30.040 Inspection of social games premises.**

All persons who authorize social games on premises owned or managed pursuant to this chapter shall permit entry to premises to any member of the police department, upon presentation of official identification, for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this chapter. (Ord. 12-01 § 1 (Exh. A), 2012)

**5.30.050 Notice of social games required.**

Where social games are conducted, each owner or person in charge of the premises shall continuously and conspicuously post notice that is clearly readable and in letters at least one inch high that such games must be conducted in accordance with the conditions set forth in SMC 5.30.020, which shall be listed in their entirety. (Ord. 12-01 § 1 (Exh. A), 2012)

**5.30.060 Civil penalties.**

The chief may assess civil penalties for any violation of the provisions of this chapter in an amount of \$1,000 per violation. Each day shall constitute a separate violation for purposes of this section. (Ord. 12-01 § 1 (Exh. A), 2012)

## Chapter 5.34

### MARIJUANA FACILITIES

Sections:

- 5.34.010 Definitions.
- 5.34.020 Marijuana producers and medical marijuana grow sites.
- 5.34.030 Marijuana processors.
- 5.34.040 Medical marijuana dispensaries, marijuana retailers, and marijuana wholesalers.
- 5.34.050 Violations and enforcement.

#### **5.34.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter are as follows:

- A. “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.
- B. “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by: (1) a mechanical extraction process; (2) a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; (3) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or (4) any other process identified by the Oregon Health Authority or the Oregon Liquor Control Commission.
- C. “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.
- D. “Cannabinoid extract” means a substance obtained by separating cannabinoids from marijuana by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by Oregon Health Authority or the Oregon Liquor Control Commission.
- E. “Cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. It does not include: (1) usable marijuana by itself; (2) a cannabinoid concentrate by itself; (3) a cannabinoid extract by itself; or (4) industrial hemp.
- F. “Marijuana facilities” means recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana grow sites, and medical marijuana processors.
- G. “Marijuana processor” means a facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract.
- H. “Marijuana producer” means a facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.
- I. “Marijuana retailer” means a facility licensed by the Oregon Liquor Control Commission to sell marijuana to a consumer.
- J. “Marijuana wholesaler” means a facility licensed by the Oregon Liquor Control Commission to purchase marijuana items in Oregon for resale to a person other than a consumer.
- K. “Medical marijuana dispensary” means a facility registered with the Oregon Health Authority or for which an application has been submitted to the Oregon Health Authority that transfers usable marijuana, immature marijuana plants, seeds, and cannabinoid products, concentrates and extracts to registrants and primary caregivers.

Dispensaries also receive transfers of cannabinoid products, concentrates and extracts from marijuana processing facilities. Dispensaries receive transfers of usable marijuana, immature marijuana plants and seeds from registrants and primary caregivers.

L. "Medical marijuana grow site" means specific location registered by the OHA used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a specific patient. (Ord. 15-07 § 1 (Exh. A), 2015)

**5.34.020 Marijuana producers and medical marijuana grow sites.**

All marijuana producers and grow sites within the city shall be located entirely indoors within a permanent enclosed structure with a roof and shall:

A. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.

B. Provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of cannabinoid merchandise, raw materials, or other cannabinoid materials associated with the production of marijuana is prohibited.

C. Comply with all applicable state regulations.

D. Comply with applicable city design standards with security bars or grates prohibited unless integrated into the design. (Ord. 15-07 § 1 (Exh. A), 2015)

**5.34.030 Marijuana processors.**

All marijuana processors within the city shall be located entirely indoors within a permanent enclosed structure with a roof and shall:

A. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.

B. Provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of cannabinoid merchandise, raw materials, or other cannabinoid materials associated with the production of marijuana is prohibited.

C. Comply with all applicable state regulations.

D. Comply with city design standards with security bars or grates prohibited unless integrated into the design. (Ord. 15-07 § 1 (Exh. A), 2015)

**5.34.040 Medical marijuana dispensaries, marijuana retailers, and marijuana wholesalers.**

A. Facilities under this section may be open to the public between the hours of 9:00 a.m. and 9:00 p.m. on Monday to Friday, between the hours of 11:00 a.m. and 7:00 p.m. on Saturdays, and between 9:00 a.m. and 6:00 p.m. on Sundays.

B. Facilities under this section may not locate in a trailer, cargo container or motor vehicle and shall not offer drive-through or delivery services. Outdoor storage of merchandise, raw materials or other materials associated with the facility is prohibited. Facilities under this section must be a permanent structure on a foundation with a permanent address which can be registered with the state of Oregon.

C. No marijuana or paraphernalia shall be displayed or kept in a facility under this section so as to be visible from the outside of the licensed premises. Marijuana and tobacco products must not be inhaled (smoked or vaporized), ingested (orally, sublingually or rectally), topically applied or otherwise consumed in any manner that creates pharmaceutical effect or chemical influences on a person while on the premises.

D. Facilities under this section must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.

E. Facilities under this section must provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers.

F. Facilities under this section must comply with all applicable state regulations.

G. Facilities under this section must take steps to ensure that all products and paraphernalia must be enclosed in an opaque bag or container upon exiting the facility.

H. Entrances and off-street parking areas of facilities under this section shall be well lit and not visually obscured from public view and rights-of-way.

I. Site or building exterior of facilities under this section must comply with city design standards with security bars or grates prohibited unless integrated into the design.

J. Marijuana retailers and marijuana wholesalers may not sell marijuana cannabinoid edibles.

K. All persons responsible for a medical marijuana dispensary must request Silverton police department to conduct a criminal records check for each employee of a medical marijuana dispensary before the individual begins employment with the facility.

1. An individual convicted of the manufacture or delivery of the controlled substance in Schedule 1 or Schedule 2 may not be an employee of the medical marijuana dispensary for two years from the date the individual was convicted.

2. An individual convicted more than once for the manufacture or delivery of a controlled substance in Schedule 1 or Schedule 2 may not be an employee of a medical marijuana dispensary. (Ord. 15-07 § 1 (Exh. A), 2015)

**5.34.050 Violations and enforcement.**

A. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Silverton Municipal Code including but not limited to enforcement pursuant to Chapters 8.07 and 1.08 SMC and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.

B. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter is declared to be a public nuisance. The city may abate a nuisance under this chapter either pursuant to Chapter 8.04 SMC or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.

C. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party. (Ord. 15-07 § 1 (Exh. A), 2015)

## Chapter 5.40

### REGULATION OF TRANSIENT BUSINESS

Sections:

- 5.40.010 Purpose.
- 5.40.020 Definitions.
- 5.40.030 Transient business license applications.
- 5.40.040 General provisions.
- 5.40.050 License – Approval process.
- 5.40.060 License – Renewal.
- 5.40.070 License – Nontransferable.
- 5.40.080 Grounds for revocation.
- 5.40.090 Appeal.
- 5.40.100 Appeal – Hearing.
- 5.40.120 License – Reissuance.
- 5.40.130 Violation – Penalty.

**5.40.010 Purpose.**

The purpose of this chapter is to provide minimum standards to protect the health, safety, welfare and economic development of the city and its residents, as well as that of the patrons and employees of transient businesses. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.020 Definitions.**

As used in this chapter, except where the context otherwise indicates, the following definitions apply:

- A. “City” means the city of Silverton.
- B. “City manager” means the Silverton city manager or his/her designee.
- C. “Council” means the Silverton city council.
- D. “License” means the city’s permission granted to engage in a transient business regulated by this chapter.
- E. “Licensee” means a person who has a valid license issued pursuant to this chapter.
- F. “Person” means every natural person, corporation, partnership, association or any other group acting as a unit.
- G. “Posted” means the placing of a clearly readable sign or placard in English stating “No Solicitors” or “No Solicitation” readily visible to any person attempting to enter the property from the nearest street or public sidewalk.
- H. “Principal” means a person who would be directly involved in the management or operation of the transient business.
- I. “Sales” means the act of selling involving the transfer of money.
- J. “Transient business” means any person selling goods, wares, services or merchandise at a fixed temporary location or door-to-door on public or private property or otherwise conducts business for a fixed temporary period of time regardless of whether they associate temporarily with any local dealer, trader, merchant or auctioneer or by conducting such temporary business in connection with or as a part of or in the name of any local dealer, trader, merchant, or auctioneer.
- K. “Valid license” means a license issued pursuant to this chapter, and which license’s effective period has not expired. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.030 Transient business license applications.**

A. Applications for transient business licenses shall be submitted on forms provided by the city. Every application shall be signed by the owner or authorized agent and shall contain the following information, as applicable:

1. Name of person or persons owning the business; if a corporation, the name of an authorized officer.
2. Assumed business name, business phone number and alternative phone number.
3. Business mailing address and owner mailing address.
4. Nature of the business.
5. Number of employees.
6. Emergency contact name and phone number.
7. Name of all persons conducting business within the city.
8. Photo identification of each person conducting business within the city.
9. Proof of the applicant's possession of all permits, certificates or registrations required by city, county, state or federal laws to conduct the type of business listed on the application.
10. For transient businesses conducting door-to-door business, a signed authorization to conduct a criminal background check for each person conducting business within the city.
11. For transient businesses located at a fixed location, the following information shall be provided:
  - a. Site plan of the area where the business and/or structure will be located clearly showing impacted parking spaces, necessary driving lanes, utility pole locations, nearby buildings and sidewalks.
  - b. Proof of compliance with all applicable building and fire codes.
  - c. If food or beverages are to be sold applicant shall provide a copy of the applicable food handler's license from Marion County.
  - d. If on private property, a letter of authorization from the property owner or copy of lease agreement.
  - e. Manner in which public water will be provided.
  - f. Provisions or arrangements for bathroom facilities for employees. Approval of a transient business will be exempt from SMC 13.12.010.
  - g. Consistency with the underlying zone designation.
  - h. If the transient business has the potential to impact publicly owned lands or facilities (e.g., street, sidewalk, park, water, sewer, drainage, etc.), a \$5,000 bond or other financial security shall be required to ensure clean-up, restoration, and/or replacement of said public land or facility. The city manager may increase the amount of the bond or financial security based on the application information.

B. A person shall apply for a transient business license at least 10 days before conducting business in the city.

C. A transient business license shall expire no later than 90 days of the date the license was issued.

D. Where the business includes activities classifiable in two or more categories, the primary or predominant activity should be designated. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.040 General provisions.**

- A. Transient merchants conducting business by going door-to-door may do so only between the hours of 9:00 a.m. to 8:00 p.m.
- B. A person who enters private property with a posted and clearly visible “No Solicitation,” “No Trespassing,” or similar sign is subject to prosecution for criminal trespass, regardless of whether the purpose for entry was to engage in business or otherwise and regardless of the hour at which the solicitation took place.
- C. The general penalty provisions of Chapter 1.08 SMC shall apply for any violations of this chapter.
- D. All transient business employees shall display a copy of the city-issued business license with photo identification while conducting business within the city limits.
- E. All transient business license holders shall provide proof of the applicant’s possession of any permits, certificates, or registrations that are required by city, county, state or federal laws to conduct the type of business listed on the application.
- F. Transient business licenses shall be limited to the business and employees specified within the license application and valid only to permit the specified employees to undertake the activities for which the license was issued.
- G. Transient businesses must obtain a business license and pay the related fees. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.050 License – Approval process.**

- A. The city manager shall refer each application to the appropriate departments for review. Review of the application shall be based on consideration of all available evidence as to whether the proposed business will meet the requirements of the city code. The license may not be granted if:
1. The activity to be licensed would not comply with city ordinances or state or federal laws.
  2. The licensed activity would endanger property or the public’s health or safety. Sale of illegal items, firearms, or other concealed weapons is not regulated by this chapter.
  3. The applicant’s violation of law or ordinance represents a reasonable doubt about the applicant’s ability to perform the licensed activity without endangering property or the public’s health or safety.
  4. The applicant fails to supply the information required, or submits misleading or false information, or submitted misleading or false information on a previous application.
- B. Upon a favorable recommendation from each department, the city manager shall approve, approve with conditions, or deny an application. Action on an application shall be based upon the consideration of all available information. If it is determined that the application is denied, the city manager shall notify the applicant of the denial and the reason for denial.
- C. An application may be denied on any of the following grounds:
1. Failure to provide requested information or any false, misleading or incomplete material statement made on the application form; however, if the statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections;
  2. The applicant, a principal or the business activity fails to meet the requirements of this code or is doing business in violation of this code or applicable state or federal law, including the building, health, mechanical, electrical, plumbing, and development codes of the city;
  3. The applicant, a principal or the business activity would violate, or has violated, any ordinance or the charter of the city, any state or federal criminal statute, or any other law, unless the applicant proves that the violation has no bearing on the applicant’s fitness or the ability of the business to undertake the licensed activity without endangering persons or property or the public health, safety or welfare;

4. The business activity would endanger, or has endangered, persons or property, such that the business activity is a menace to the health, safety and general welfare of the city.

D. The city manager shall notify the applicant in writing of a decision to deny an application made under subsection (A) of this section. The written notice shall state the reason for the decision and explain that the decision is final unless either the applicant or council files a notice of appeal pursuant to SMC 5.40.100. The written notice shall also be provided to the council.

E. If the license is approved or approved with conditions, the city manager shall issue a license to the applicant.

F. Upon issuance of a business license, the license shall be valid only to permit the activities for which the license was issued. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.060 License – Renewal.**

A. An application for renewal of a license shall be made and processed in the same manner as an initial application.

B. License renewal fees shall be deemed delinquent if not paid on or before 30 days after the due date. Whenever a license renewal fee is not paid within 30 days of the due date, a late fee shall be imposed and the license will be invalid until full payment is received by the city. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.070 License – Nontransferable.**

A license issued pursuant to this chapter is a personal privilege and is not transferable. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.080 Grounds for revocation.**

A. The city manager may revoke a license if he/she determines that a licensee is conducting or has conducted an activity which endangers the public health, safety, or welfare of the city.

B. The notice of revocation shall be sent to the licensee at least 30 days before the effective date of the revocation. The notice of revocation shall state the grounds for revocation and inform the licensee of the provisions for appeal. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.090 Appeal.**

A. An applicant whose application has been conditioned or denied or a licensee receiving a notice of revocation may file a written notice of appeal with the city manager. The notice of appeal must be filed within 10 calendar days after the notice of denial, revocation or conditional approval is mailed or delivered, whichever is earlier. The notice of appeal shall include:

1. The name and address of the appellant, and the business owner if different than the appellant;
2. The nature of the determination from which an appeal is taken and a copy of the determination;
3. The reason or reasons why the determination is alleged to be incorrect;
4. What the correct determination should be; and
5. An appeal fee in the amount set by resolution of the council.

B. The council, on its own motion, may review a city manager decision of denial, conditions, approval or revocation. The council shall direct the filing of a notice of appeal which notice shall be filed no later than 10 days after the city manager's decision was mailed. The notice of appeal shall be sent to the applicant, and state the time and place at which the council will review the decision and the reason or reasons for review.

C. The council shall designate a time to hear the appeal and appellant shall be given notice of the time, date and place at least 20 days in advance of the hearing.

D. Failure of the applicant or licensee to file an appeal with the city manager within the time provided constitutes a waiver of objections to the notice of suspension, revocation, denial or approval with conditions.

E. Filing a notice of appeal stays the effective date of revocation until a final determination is made by the council. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.100 Appeal – Hearing.**

A. A hearing on appeal to the council pursuant to SMC 5.40.090 affords the licensee or applicant, the city manager and other interested parties the opportunity to give testimony and written materials to the council.

B. The council may affirm, modify, remand or reverse the city manager's decision. The council shall provide the licensee or applicant with written notice of its decision. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.120 License – Reissuance.**

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penal sum deemed necessary under the circumstances (not to exceed \$10,000) shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state or city laws or ordinances for which such license may be revoked. (Ord. 15-08 § 2 (Exh. B), 2015)

**5.40.130 Violation – Penalty.**

Any person violating any of the provisions of this chapter is subject to the general penalties provision of SMC 1.08.010. A separate offense shall be deemed committed for each day a violation occurs. (Ord. 15-08 § 2 (Exh. B), 2015)

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**ORDINANCE NO. 2399****AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BUSINESS WITHIN THE CITY OF WOODBURN; ESTABLISHING A REGISTRATION PROCESS; AND PROVIDING A PENALTY FOR VIOLATION THEREOF; AND SETTING AN EFFECTIVE DATE.****THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1. Purpose.** The registration required and restrictions imposed by this ordinance are enacted primarily for the purpose of regulation of businesses. The public's interest is served by insuring that regulated businesses will be carried on in continuing compliance with applicable laws and ordinances and in a manner which does not detract from the public health, safety, or welfare. In addition, this ordinance is enacted to recoup the necessary expenses required to undertake the administration and enforcement of this ordinance and to provide revenue for law and code enforcement purposes. The payment of a registration fee required hereunder and the acceptance of such fee and issuance of a business registration certificate by the City shall not entitle the registrant to carry on any business not in compliance with all the requirements of City ordinances and all other applicable laws.

**Section 2. Definitions.** For the purpose of this ordinance, the following terms, phrases, and words are defined as follows:

A. "Business" means any vocation, occupation, profession, enterprise, establishment, or any activity, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in the City. This definition includes any transaction involving the rental of property, the manufacture or sale of goods, or the sale or rendering of services other than as an employee.

B. "The City" means the City of Woodburn, Oregon.

C. "City Council" means the City Council of the City of Woodburn, Oregon.

D. "City Administrator" means the City Administrator or any officer or employee designated by that person to perform duties described in this ordinance

E. "Garage Sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold or auctioned to others, provided the number of sale days at a particular residence does not exceed three (3) days per occurrence, and no more than two (2) occurrences per calendar year.

F. "Person" means and includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees or any kind of personal representatives thereof, in any capacity, either on that person's own behalf or for any other person, under either personal appointment or pursuant to law.

G. "Home occupations" means businesses that conform to the definition of Home Occupations under chapter 2.203.12 in Woodburn Development Ordinance as determined by the City Administrator.

H. "Residential Rental Unit" means separate living quarters, which are rented, leased, or let in exchange for full or partial monetary compensation.

I. "Government Entities" means the federal government, the State of Oregon, a county, a special district, or a municipality.

### **Section 3. Registration Required.**

A. No person shall engage in any business within the City or transact any business specified in this ordinance, without first obtaining a registration certificate and paying the fee prescribed. The provisions of this ordinance shall be in addition to any other fee or registration requirements imposed by the City of Woodburn, unless otherwise specified.

B. A person engaged in business in more than one location, or in more than one business registered under this ordinance at the same location, shall make a separate application for each business or location, provided however that the fee for second and subsequent businesses shall be twenty dollars (\$20.00). Warehouses and distributing plants used in connection with and incidental to a business shall not be deemed a separate place of business. Separately franchised operations shall be deemed separate businesses even if operated under the same name.

C. A person representing himself/herself, or exhibiting any sign or advertisement that he/she is engaged in a business within the City shall be deemed to be actually engaged in such business and shall be liable for the payment of such registration fee and subject to the penalties for failure to comply with the requirements of this ordinance.

D. No person shall maintain or operate two or more residential rental units without first obtaining a business registration certificate and paying the prescribed fees.

**Section 4. Exemptions.** The following entities and types of activities are exempt from regulation under this ordinance. The person asserting an exemption under this ordinance shall have the burden of establishing eligibility for the exemption.

A. Nothing in this ordinance shall be construed to apply to any person transacting or carrying on any business within the City of Woodburn, which is exempt from taxation, by the City by virtue of the Constitution of the United States or the Constitution of the State of Oregon.

B. No person whose income is based solely on a wage or salary shall, for the purpose of this ordinance, be deemed a person transacting or carrying on any business in the City, and it is the intention that all registration taxes and fees will be borne by the employer.

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C. Any business paying a franchise tax or transient occupancy tax under City ordinances is exempt from the requirements of this ordinance.

D. Persons whose sole business activity is making deliveries or taking orders from duly registered businesses within the City are exempt from this ordinance.

E. Activities conducted pursuant to a special events permit issued by the City are exempt from the requirements of this ordinance.

F. Producers of farm products raised in Oregon, produced by themselves or their immediate families, who sell, vend, or dispose of such products within the City is exempt from this ordinance. [Section 4F is repealed by Ordinance No. 2426 passed November 26, 2007.]

G. Nonprofit organizations, religious organizations, civic organizations and clubs wishing to canvass for funds or sell door-to-door to raise funds, or conduct fund-raising events to be used solely for the purpose for which the organization was created, and from which no third party receives a profit are exempt from the requirements of this ordinance.

H. A builder who is registered under ORS 701.055 and is employed as a subcontractor working for a contractor possessing a valid business registration issued by the City of Woodburn is exempt from this ordinance.

I. Garage sales as defined in this ordinance are exempt from the requirements of this ordinance.

J. Any person required to be licensed through any other City ordinance including, but not limited to activities such as, peddlers and solicitors," "public dances," or other licensed activities is exempt from this ordinance.

K. Government entities are exempt from the requirement of this ordinance.

**Section 5. City Administrator Authority.**

A. The City Administrator may adopt reasonable rules and regulations in order to carry out the provisions of and for enforcement of the provision of this ordinance. The Administrator shall prescribe forms for business registration application. The Administrator shall review or cause to be reviewed application for and renewals for business registrations, and shall submit such applications to appropriate City departments for investigation to determine and comment on the applicant's compliance with City ordinance and other rules.

B. The City Administrator shall have the authority to approve, approve with conditions, or deny any application for or renewal of a business registration. If the Administrator determines that the application should be denied or approved with conditions, the Administrator shall notify the applicant in writing of the decision. The notice shall state the reason for the decision and inform the applicant of the provisions for appeal. If the Administrator's decision is to approve without conditions, issuance of

the registration is notification of the decision and it does not need to state any reason or appeal rights.

**Section 6. Application Requirements.**

A. Application for business registration shall be made to the City at least 30 days prior to the date the registration is requested to be effective. The application forms shall provide for information necessary to determine the identity and address of the applicant and of the owner of the business to be registered and shall provide for other information as may be requested by the City Administrator. The application shall be signed by the applicant and shall constitute the applicant's consent for the City to conduct an investigation of the applicant's request including permission to enter property to be used in conducting the business. The applicant shall submit information necessary to evaluate the applicant's request and to determine compliance with applicable City of Woodburn ordinances. If the applicant fails to supply information so required or submits false or misleading information, the registration may be denied and if issued, may be revoked.

B. Applications shall be accompanied by any required fee. Application fees shall be non-refundable.

**Section 7. Criteria for Approval or Denial.**

A. Approval or denial of an application for initial issue or renewal shall be based on consideration of all available evidence indicating whether or not the applicant meets the requirements of City ordinances. In the event no grounds exist for denial of a certificate, a certificate shall be issued.

B. Any of the following may be grounds for denial of the certificate:

1. Any false or incomplete statement made or acknowledged on the application form; provided, however, that in the event such statement is the result of excusable neglect, the applicant may resubmit an application with appropriate corrections.

2. The business activity would not comply with City ordinances and could not be made to comply through the imposition of appropriate conditions.

3. A previous history of unlawful business activity by the applicant, which, if continued would be grounds for revocation of the certificate.

4. The business activity would endanger persons or property.

**Section 8. Registrations and Renewals.**

A. Business registration is valid for one year.

B. Business registrations shall be renewed by the payment of the annual fee on or before the anniversary date of the original issuance of the business registration.

C. The renewal application will indicate any change in use, ownership, or location of the business.

**Section 9. Term, Transfers and Relocations.**

A. Term: A business registration issued under this ordinance shall be valid for one year from the date of issuance.

B. Transfer: In the event of the transfer of ownership of any business, the applicable registration certificate may be transferred by application to the City Administrator. An application shall be accompanied by a transfer fee.

C. Relocation of Existing Business: In the event a business relocates, the business shall reapply to the City Administrator to transfer the business registration.

**Section 10. Fee.**

A. As of the effective date of this ordinance fees shall be:

1. All businesses, excepting home occupation businesses, shall pay an annual fee of fifty dollars (\$50.00).

2. Home occupation businesses shall pay a reduced annual fee of twenty-five dollars (\$25.00).

3. The transfer of ownership fee shall be twenty dollars (\$20.00).

B. Future fees shall be set as part of the Master Fee ordinance.

**Section 11. Use of Revenue.** Revenue derived from Business Registration fees shall be used to recoup the cost of administering and enforcing the program. Any fees collected in excess of amounts necessary to recoup the costs of program administration and enforcement shall be dedicated to support the activities of the Police Department's Community Response Team. Elimination of that team or a permanent reduction of that team below FY 2005-06 staffing levels, by City Council policy choice, shall trigger a review of Sections 10 and 11 of this ordinance.

**Section 12. Revocation of Registration.** The City Administrator, upon determining that unlawful business activity is occurring or has occurred, or that a business would not qualify for a license pursuant to this ordinance, shall notify the licensee in writing that the license is to be revoked. The notice shall be sent at least thirty (30) days before the date of revocation. If the activity giving rise to the need for the revocation proceedings is discontinued, the City Administrator may terminate the proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions for appeal.

**Section 13. Appeal.**

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A. A business whose registration has been denied renewal, or is to be revoked, may within thirty (30) days after the notice of denial, or revocation is mailed, appeal in writing to the City Council. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the proposed determination of the appeal should be.

B. An appellant who fails to file such a statement within the time permitted waives his/her objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The City Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate.

C. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the City Council after the hearing is final.

**Section 14. Display Required.** All registration certificates issued in accordance with this ordinance shall be openly displayed in the place of business or kept on the person or on the vehicle of the person registered. Failure to display or carry such registration shall be deemed a violation of this ordinance.

**Section 15. Violation – Penalty.**

A. A violation of any provision of this ordinance constitutes a Class 2 civil infraction and shall be processed according to the procedures contained in the Woodburn Civil Infractions ordinance.

B. A finding that a person has committed a violation of this ordinance shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.

**Section 16. Delinquency Charge.** In addition to the business registration fee required by this ordinance, a delinquency charge in the amount of 50% of the applicable fee shall be assessed if the annual renewal fee is not paid within 15 days after the anniversary date of the original issuance of the business registration.

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**Section 17. Severability.** Each portion of this ordinance shall be deemed severable from any other portion. The unconstitutionality or invalidity of any portion of this ordinance shall not invalidate the remainder of this ordinance.

**Section 18. Effective Date.** This ordinance shall be in full force and effect on April 17, 2006.

*Passed by the Council March 13, 2006, and approved by the Mayor March 15, 2006.*

# Chief's Report

**To:** Mayor and City Council Members  
**From:** Chief David M. Dryden  
**Date:** February 29, 2016  
**Re:** Monthly Police Department Report

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1. **Reserve Officer Hiring:** We are beginning the hiring process for new reserve officers for our agency. We will start the advertising process and set up for testing and interviews for new prospective reserve police officers shortly. We hope to locate at least two or three new people to begin the training program.
2. **College Intern in Police Department:** We have had a college intern in the police department during the month of February. Elia Olague is a senior at Pioneer Pacific College in the Portland area. She will graduate from their criminal justice program in April. She has spent the month working with our staff learning the inner workings of a police department. She has had an opportunity to sit for a shift at the METCOM dispatch center as well as riding along with our officers. She visited the jail with our officers as well as attended traffic court. This internship was much shorter than our average internship that usually last for a three month term.

# **Monthly Statistical Report**

**To:** Mayor and City Council Members

**From:** Chief David M. Dryden

**Date:** February 29, 2016

**Re:** February 2016 Stats

\*\* Please note: Due to deadlines for council material, these stats DO NOT include February 29, 2016.

**Citations: 42**

**Written Warnings: 6**

**Towed Vehicles: 13**

**Custody Arrests: 11**

**- MONTHLY REPORT -**

**DATE: March 8, 2016**  
**TO: City Council**  
**FROM: Public Works Department**

**ITEM #1** On the Consent Agenda is a request for Council approval of and authorization for the Mayor to sign the attached Resolution No. 602-2016: *In the matter of authorizing the City of Hubbard to apply for a local government grant from the Oregon Parks and Recreation Department for the replacement of the restrooms at Rivenes Park and delegating authority to Melinda Olinger to sign the application.*

This grant application is, for the most part, identical to last year's application. The estimated project total is \$245,040.00. To increase the City's chances for project funding, Staff plans to propose a 51% match. If approved, the City's match will come from the Park Improvement fund and a \$1,500.00 donation from the Hubbard Parks and Improvement Committee. In addition, the Hubbard Parks Improvement Committee has applied for a Burlingham Trust grant in the amount of \$20,000.00 to support the completion of this project and to help offset the City's match.

**ITEM #2** As directed, Staff has been working on the mowing comparisons, and information will be distributed at the meeting.

**PENDING Grant Applications:**

1. Multimodal Transportation Program: OR99E: "D" Street to North City Limits Center Turn Lane and OR99E/"A" Street Intersection Crosswalk project – PENDING

<p><b>The Public Works Department completed 15 requests for locates for the month of February.</b></p>
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# DIRECTOR OF ADMINISTRATION/CITY RECORDER MONTHLY REPORT

**To:** CITY COUNCIL  
**From:** VICKIE NOGLE, MMC  
**Date:** MARCH 1, 2016  
**RE:** REPORT FOR FEBRUARY 9, 2016, CITY COUNCIL MEETING

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## **RESOLUTIONS NO. 603-2016 AND NO. 604-2016**

**Resolution No. 603-2016.** The annual adjustment for System Development Charges which is based on the change in construction costs according to the Engineering News Record (ENR Northwest (Seattle, Washington) Construction Cost Index (CCI). The increase from January 2015 to January 2016 is 0.1%; A \$13.00 increase for a new Single Family Home. (Current rate is \$14,321; Increase included \$14,334).

**Resolution No. 604-2016.** The Transportation Utility Fee is based on the ENR Northwest (Seattle, Washing) CCI. The 0.1% increase did not affect the rates for the Transportation Utility Fees as they will remain the same as last year.

## **ELECTIONS**

The Mayor and two Council positions (Councilor Kennedy and Councilor Ruiz) will be open for the General Election held November 8, 2016. The Mayor shall be elected for a term of two years, and the two Councilors shall be elected for a term of four years. The first day for local candidate to file declaration of candidacy or nominating petition is June 1, 2016. I will be having packets available in April if not sooner. You may obtain more information from the Secretary of State's Elections website at: <http://sos.oregon.gov/elections/Pages/default.aspx>.

## **PLANNING COMMISSION**

The following applications are scheduled before the Planning Commission at the March 15, 2016, meeting starting at 6:30 p.m.

### **PUBLIC HEARINGS:**

- Kevin Chappell, 2625 Pacific Highway 99E – To construct a 4,950 SF storage building for existing nursery business

## **NEWSLETTER**

Please submit your information to Lucy Astorga for the Newsletter no later than **April 13, 2016**. You can submit them in writing or e-mail her at [lastoraga@cityofhubbard.org](mailto:lastoraga@cityofhubbard.org).

## **BUILDING PERMITS**

3 building permit applications has been submitted for January 2016.

## BUILDING PERMITS

	Date Received & Sent to Co.	Date Received From County	Permit #	Applicant Name	Address	Map & Tax Lot #
1	10/19/2015	11/10/2015	555-15-007116-DWL	Chad E. Davis Construction	2241 Thomas Way	041W28DD12400
2						
3	10/19/2015	11/24/2015	555-15-007124-DWL	Chad E. Davis Construction	2156 Thomas Way	041W28DD11700
4						TOTAL PYMNT \$73,601.25
5	10/19/2015	11/24/2015	555-15-007123-DWL	Chad E. Davis Construction	3997 8th Street	041W28DD12000
6						TOTAL PYMNT \$73,601.25
7	10/19/2015	12/30/2015	555-15-007121-DWL	Chad E. Davis Construction	3983 8th Street	041W28DD12100
8						TOTAL PYMNT \$35,655.27
9	10/19/2015	11/10/2015	555-15-007109-DWL	Chad E. Davis Construction	3999 10th Street	041W28DD13000
10						TOTAL PYMNT \$53,891.45
11	10/19/2015	11/10/2015	555-15-007105-DWL	Chad E. Davis Construction	3975 10th Street	041W28DD13100
12						TOTAL PYMNT \$53,891.45
13	10/20/2015	12/30/2015	555-15-007112-STR	Mike Holleman	2690 Industrial Avenue	041W33DD00303
14						
15	12/17/2015	2/9/2016	555-15-008419-DWL	Claud Davis	2392 Thomas Court	041W33AA13200
16	1/5/2016	1/19/2016	555-16-000071-DWL	CitiHomes Group	2477 G Street	041W33AC01100
17						
18	2/8/2016			Adan Lomeli Salcedo	3550 Maple Street	
19						
20	2/17/2016			Joseph & Leonora Bando	4125 Pacific Highway 99E	
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**BUILDING PERMITS page 2**

	Type of permit	Permit Amount	Receipt #	ROW	Receipt #	City Fee	SDC	Receipt #	EXCISE TAX	Valuation
1	SFR	\$ 1,295.28	49705	\$ 225.00	1000043	\$ 114.99	\$ 14,321.00	1000043	\$ 1,881.00	\$ 232,910.15
2	ADDITIONAL PAYMENT 11/19/15	\$ 17,620.92	1000043							
3	SFR	\$ 1,388.65	49703	\$ 225.00	1.000177	\$ 189.90	\$ 14,321.00	1.000177	\$ 1,935.00	\$ 241,615.31
4	ADDITIONAL PAYMENT 11/30/15	\$ 17,760.03	1.000177							
5	SFR	\$ 1,497.59	49703	\$ 225.00	1.000173	\$ 225.00	\$ 14,321.00	1.000173	\$ 2,178.00	\$ 269,985.89
6	ADDITIONAL PAYMENT 11/30/15	\$ 18,523.41	1.000173							
7	SFR	\$ 1,505.38	49703	\$ 225.00	1.000841	\$ 236.70	\$ 14,321.00	1.000841	\$ 2,142.00	\$ 272,581.22
8	ADDITIONAL PAYMENT 1/18/16	\$ 17,314.87	1.000841							
9	SFR	\$ 1,598.75	49703	\$ 225.00	3.000087	\$ 201.36	\$ 14,321.00	3.000087	\$ 2,645.00	\$ 330,977.49
10	ADDITIONAL PAYMENT 11/10/15	\$ 19,489.49	3.000087							
11	SFR	\$ 1,264.15	49703	\$ 225.00	3.0000.87	\$ 152.20	\$ 14,321.00	3.0000.87	\$ 1,682.00	\$ 213,417.85
12	ADDITIONAL PAYMENT 11/10/15	\$ 17,206.91	3.0000.87							
13	Cabinet Shop 8/18/2015	\$ 8,541.95	48605	\$ 225.00	49682	\$ 772.98	\$ 11,781.00	1.000452	\$ 3,388.80	\$ 916,332.53
14	ADDITIONAL PAYMENT 1/4/16	\$ 12,398.87	1.000452					#1.000866 1/19/16		
15	SFR	\$ 19,194.49	1.001125	\$ 225.00	1.001125	\$ 183.40	\$ 14,321.00	1.001125	\$ 1,946.00	\$ 237,589.06
16	SFR/Replacement of Manuf Home	\$ 1,692.13	1.000453	N/A	N/A	\$ 153.50	N/APre-Existing	N/APre-Existing	\$ 1,112.14	\$ 214,739.27
17	ADDITIONAL PAYMENT 2/10/16	\$ 1,820.01	1.001128							
18	Addition to MH	\$ 131.00	1.001121	N/A	N/A		N/A	N/A		
19										
20	RV Storage	\$ 7,643.25	1.001152							
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# FINANCE MONTHLY REPORT – MAR 2016

**To:** CITY COUNCIL  
**From:** Kari Kurtz  
**Date:** February 29, 2016  
**Re:** March 8, 2016 Council Meeting

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I will be attending the Oregon Finance Officer's Conference March 6 – March 9 and will not be attending the March Council Meeting.

## **Finance Reports & Notes:**

1. Included are the following reports for your review:
  - a. Accrual Leave Report – Please note there are several employees over the allowed limits however the department heads are finding it difficult to schedule time off due to reduced staff.
  - b. Revenue/Expense Compared to Budget

## **Consent Agenda Reports:**

1. Check listing for the month of February is included in your packet

## **Comments/Questions:**

If you have any questions/comments, please don't hesitate to e-mail me at [kkurtz@cityofhubbard.org](mailto:kkurtz@cityofhubbard.org) or call me at 503-981-9633

Employee Number	Name	Rate Desc	Hours Beg Bal	Hours Accrued	Hours Used	Hours Remain	Liability Amount
<b>Administration</b>							
102	Astorga, Lucy T M	Vac	73.31	10.00	.00	83.31	1,766.36
		Sic	125.00	8.00	3.00	130.00	
		Hol	10.00	10.00	20.00	.00	.00
		Com	25.83	6.76	.50	32.09	680.38
113	Kurtz, Kari J	Vac	86.66	6.66	.00	93.32	2,583.17
		Sic	35.01	8.00	13.25	29.76	
		Hol	.00	10.00	10.00	.00	.00
117	Nogle, Vickie Lynne	Com	54.53	3.38	.50	57.41	1,589.15
		Vac	216.68	15.34	10.00	222.02	7,353.57
		Sic	483.00	8.00	.00	491.00	
		Hol	.00	10.00	10.00	.00	.00
		Com	19.62	11.63	24.50	6.75	223.57
Total Administration:			376.65	32.00	10.00	398.65	11,703.10
			643.01	24.00	16.25	650.76	
			10.00	30.00	40.00	.00	.00
			99.98	21.77	25.50	96.25	2,493.10
<b>Police Department</b>							
101	Anderson, Chris	Vac	30.00	10.00	.00	40.00	997.17
		Sic	786.00	8.00	.00	794.00	
		Hol	85.00	10.00	.00	95.00	2,368.28
		Com	29.82	12.00	.00	41.82	1,042.54
103	Bentley, Glen W	Vac	219.52	10.66	.00	230.18	5,738.23
		Sic	888.50	8.00	.00	896.50	
		K9	10.00	10.00	10.00	10.00	249.29
		Hol	70.00	20.00	.00	90.00	2,243.64
		Com	20.50	45.00	.00	65.50	1,632.87
105	Dryden, David	Vac	224.68	27.34	38.00	214.02	7,525.80
		Sic	521.00	8.00	.00	529.00	
		Hol	.00	10.00	10.00	.00	.00
		Com	10.38	4.50	1.00	13.88	488.08
107	Gill, William W	Vac	241.73	16.68	.00	258.41	7,269.72
		Sic	690.00	8.00	.00	698.00	
		Hol	110.00	15.00	.00	125.00	3,516.56
		Com	43.88	10.50	.00	54.38	1,529.85
111	Huston, Christie Ann	Vac	55.69	10.00	16.50	49.19	1,022.49
		Sic	636.75	8.00	20.00	624.75	
		Hol	.00	10.00	10.00	.00	.00
		Com	3.50	.00	3.50	.00	.00
116	Nelson, Grady	Vac	125.80	10.00	.00	135.80	3,448.10
		Sic	59.00	8.00	.00	67.00	
		Hol	33.50	15.00	30.00	18.50	469.73
		Com	64.38	12.75	20.00	57.13	1,450.59

Employee Number	Name	Rate Desc	Hours Beg Bal	Hours Accrued	Hours Used	Hours Remain	Liability Amount
Total Police Department:			897.42	84.68	54.50	927.60	26,001.50
			3,581.25	48.00	20.00	3,609.25	-
			10.00	10.00	10.00	10.00	249.29
			298.50	80.00	50.00	328.50	8,598.22
			172.46	84.75	24.50	232.71	6,143.92
<hr/>							
<b>Public Works</b>							
106	Estrada, Jaime	Vac	268.96	29.34	.00	298.30	10,194.04
		Sic	2,335.90	8.00	14.50	2,329.40	
		Hol	.00	8.00	8.00	.00	.00
		Com	55.42	3.00	.00	58.42	1,996.43
109	Hernandez, Juan M	Vac	243.78	10.00	2.00	251.78	4,655.51
		Sic	233.50	8.00	.00	241.50	
		Hol	8.00	10.00	18.00	.00	.00
		Com	32.78	.00	.00	32.78	606.12
112	Krebs, Michael R	Vac	258.65	18.68	.00	277.33	6,585.89
		Sic	1,090.00	8.00	.00	1,098.00	
		Hol	40.50	8.00	40.00	8.50	201.85
		Com	64.79	.00	.00	64.79	1,538.60
118	Olinger, Melinda L	Vac	254.20	14.68	.00	268.88	5,812.65
		Sic	716.00	8.00	.00	724.00	
		Hol	15.00	10.00	10.00	15.00	324.27
		Com	79.13	.00	.00	79.13	1,710.63
Total Public Works:			1,025.59	72.70	2.00	1,096.29	27,248.10
			4,375.40	32.00	14.50	4,392.90	
			.00	.00	.00	.00	.00
			63.50	36.00	76.00	23.50	526.12
			232.12	3.00	.00	235.12	5,851.78
<hr/>							
Grand Totals:			2,299.66	189.38	66.50	2,422.54	64,952.71
			8,599.66	104.00	50.75	8,652.91	
			10.00	10.00	10.00	10.00	249.29
			372.00	146.00	166.00	352.00	9,124.34
			504.56	109.52	50.00	564.08	14,488.81

General Ledger

Revenue Analysis

Feb-16

ACCOUNT NO.	DESCRIPTION	BUDGETED		PERIOD		YTD REVENUE	UNCOLLECTED		PERCENT RECEIVED
		REVENUE		REVENUE			BALANCE		
<b>100</b>	<b>GENERAL FUND</b>								
100-300-3111	Property Taxes	680,000.00		2,376.10		663,767.76	16,232.24	0.98	
100-300-3112	Delinq Prop Taxes	25,000.00		955.62		19,338.66	5,661.34	0.77	
100-300-3180	FF-Pref L D	-		-		129.18	(129.18)	-	
100-300-3181	FF-PGE	97,000.00		-		14,885.28	82,114.72	0.15	
100-300-3182	FF-Qwest	4,600.00		-		-	4,600.00	0.00	
100-300-3183	FF-NW Natural	20,000.00		-		8,224.62	11,775.38	0.41	
100-300-3184	FF-Cable TV	13,000.00		3,416.51		9,868.92	3,131.08	0.76	
100-300-3185	FF-Allied Waste	21,000.00		7,431.93		20,488.26	511.74	0.98	
100-300-3186	FF-Gervais Telepho	700.00		210.42		631.26	68.74	0.90	
100-300-3301	Revenue Sharing	15,000.00		4,586.80		12,488.11	2,511.89	0.83	
100-300-3302	ClG Tax	3,744.00		479.51		3,105.54	638.46	0.83	
100-300-3303	OLCC Tax	45,000.00		5,173.36		32,774.46	12,225.54	0.73	
100-300-3304	911 Tax	-		-		-	-	-	
100-300-3415	General Service Fe	130,000.00		98.90		89,735.54	40,264.46	0.69	
100-300-3601	Miscellaneous Revene	1,100.00		-		143.94	956.06	0.13	
100-300-3611	Interest Income	5,400.00		-		4,384.77	1,015.23	0.81	
100-301-3211	Business Registration	4,600.00		375.00		4,075.00	525.00	0.89	
100-301-3401	Lien Search	3,000.00		300.00		1,800.00	1,200.00	0.60	
100-301-3402	Business OLCC Fee	180.00		120.00		120.00	60.00	0.67	
100-301-3601	Miscellaneous Revene	-		-		-	-	-	
100-302-3341	Three Flag Grant	5,000.00		-		-	5,000.00	0.00	
100-302-3342	Oacp Grant Duii	5,000.00		960.00		960.00	4,040.00	0.19	
100-302-3346	BVP Reimb Grant	2,000.00		-		700.00	1,300.00	0.35	
100-302-3351	Ped. Enf. Grant	5,000.00		-		-	5,000.00	0.00	
100-302-3352	Feasibility Study	-		-		-	-	-	
100-302-3353	ODOT Speed Grant	5,000.00		-		-	5,000.00	0.00	
100-302-3401	Fingerprints	1,300.00		-		680.00	620.00	0.52	
100-302-3402	Vehicle Impound	17,000.00		1,950.00		10,950.00	6,050.00	0.64	
100-302-3403	Police Reports	800.00		80.00		560.00	240.00	0.70	
100-302-3404	Sale Of Surp Prop	1,200.00		-		-	1,200.00	0.00	
100-302-3406	Training PD	-		-		-	-	-	

**General Ledger  
Revenue Analysis  
Feb-16**

ACCOUNT NO.	DESCRIPTION	BUDGETED REVENUE	PERIOD REVENUE	YTD REVENUE	UNCOLLECTED BALANCE	PERCENT RECEIVED
100-302-3601	Miscellaneous Revene	2,100.00	(960.00)	231.11	1,868.89	0.11
100-302-3641	Reserve Police Off	-	-	-	-	-
100-302-3642	Special Programs a	-	-	-	-	-
100-302-3643	K9 Program Revenue	450.00	80.00	378.65	71.35	0.84
100-302-3644	PD Training Rev	2,700.00	109.00	1,793.00	907.00	0.66
100-303-3401	Municipal Court	70,000.00	3,612.64	58,687.15	11,312.85	0.84
100-303-3402	Marion County Cour	23,000.00	664.46	12,474.95	10,525.05	0.54
100-303-3404	Collections	-	-	-	-	-
100-303-3405	Temp Offense Surch	450.00	-	225.00	225.00	0.50
100-303-3611	Collections Intere	2,100.00	-	2,233.07	(133.07)	1.06
100-305-3305	School Excise Reve	544.00	122.32	1,531.24	(987.24)	2.81
100-305-3401	Land Use Fees	26,000.00	1,702.06	26,149.32	(149.32)	1.01
100-305-3402	Building Permits	26,000.00	11,229.25	68,832.44	(42,832.44)	2.65
100-391-3910	Transfer In -Water	19,890.00	-	10,227.91	9,662.09	0.51
100-391-3912	Transfer In Sewer	20,877.00	-	10,048.67	10,828.33	0.48
100-391-3914	Transfer In- SDC A	8,472.00	-	-	8,472.00	0.00
100-391-3920	Trans In - OP OH	69,852.00	-	33,401.16	36,450.84	0.48
100-399-9999	Beginning Fund Balance	71,310.00	-	-	71,310.00	0.00
<b>GF TOTALS</b>		<b>1,455,369.00</b>	<b>45,073.88</b>	<b>1,126,024.97</b>	<b>329,344.03</b>	<b>0.77</b>
<b>121</b>	<b>STREET FUND</b>					
121-300-3190	Gas Tax	148,532.00	14,149.73	104,403.57	44,128.43	0.70
121-300-3407	Transportation Utility	75,636.00	85.57	51,952.33	23,683.67	0.69
121-300-3408	Row Permits	450.00	225.00	4,140.00	(3,690.00)	9.20
121-300-3554	Assessment Principal	-	-	-	-	-
121-300-3601	Miscellaneous Revene	200.00	-	-	200.00	0.00
121-300-3611	Interest Income	280.00	-	327.29	(47.29)	1.17
121-399-9999	Beginning Fund Balance	85,008.00	-	-	85,008.00	0.00
<b>STREETS TOTALS</b>		<b>310,106.00</b>	<b>14,460.30</b>	<b>160,823.19</b>	<b>149,282.81</b>	<b>0.52</b>

**General Ledger**  
**Revenue Analysis**  
**Feb-16**

ACCOUNT NO.	DESCRIPTION	BUDGETED REVENUE	PERIOD REVENUE	YTD REVENUE	UNCOLLECTED BALANCE	PERCENT RECEIVED
<b>122</b>	<b>STREET CONST. FUND</b>					
122-300-3190	Gas Tax	37,133.00	3,537.43	26,100.89	11,032.11	0.70
122-300-3341	Special Allotment	50,000.00	-	-	50,000.00	0.00
122-300-3342	Odor Grant	-	-	-	-	-
122-300-3343	TGM Grant	-	-	-	-	-
122-300-3404	Sale of Surplus	-	-	-	-	-
122-300-3550	SDC Administration	2,016.00	-	421.85	1,594.15	0.21
122-300-3551	SDC-Improvement	32,724.00	3,314.00	57,431.00	(24,707.00)	1.76
122-300-3554	Assessment Principal	7,044.00	167.00	2,893.00	4,151.00	0.41
122-300-3601	Miscellaneous Revenue	-	-	-	-	-
122-300-3611	Interest Income	500.00	-	308.45	191.55	0.62
122-399-9999	Beginning Fund Balance	86,941.00	-	-	86,941.00	0.00
	<b>STREET CONST. TOTAL</b>	<b>216,358.00</b>	<b>7,018.43</b>	<b>87,155.19</b>	<b>129,202.81</b>	<b>0.40</b>
<b>123</b>	<b>RESERVE FUND</b>					
123-300-3611	Interest	150.00	-	77.47	72.53	0.52
123-300-3642	Donations	-	-	-	-	-
123-391-0100	Trans From-General	9,907.00	-	-	9,907.00	0.00
123-391-0121	Trans From-Streets	7,820.00	-	-	7,820.00	0.00
123-391-0201	Trans From-Sewer	10,980.00	-	-	10,980.00	0.00
123-391-0205	Trans From-Water	10,980.00	-	-	10,980.00	0.00
123-399-9999	Beginning Fund Balance	130,286.00	-	-	130,286.00	0.00
	<b>RESERVE TOTAL</b>	<b>170,123.00</b>	<b>-</b>	<b>77.47</b>	<b>170,045.53</b>	<b>0.00</b>
<b>125</b>	<b>PARK IMPROVEMENT FUND</b>					
125-300-3301	State Shared Reven	15,000.00	4,586.80	12,488.10	2,511.90	0.83
125-300-3341	State Parks Dept.	147,024.00	-	-	147,024.00	0.00
125-300-3551	SDC-Improvement	36,732.00	3,061.00	48,976.00	(12,244.00)	1.33
125-300-3552	SDC-Reimbursement	5,736.00	478.00	7,648.00	(1,912.00)	1.33
125-300-3554	SDC-Administration	1,776.00	148.00	2,368.00	(592.00)	1.33

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ACCOUNT NO.	DESCRIPTION	BUDGETED REVENUE	PERIOD REVENUE	YTD REVENUE	UNCOLLECTED BALANCE	PERCENT RECEIVED
125-300-3601	Miscellaneous Revenue	-	225.00	425.00	(425.00)	-
125-300-3611	Interest Income	400.00	-	341.84	58.16	0.85
125-300-3642	Donations	1,500.00	-	-	1,500.00	0.00
125-391-0100	Trans From-General	-	-	-	-	-
125-391-0123	Trans From-Reserve	-	-	-	-	-
125-399-9999	Beginning Fund Balance	181,914.00	-	-	181,914.00	0.00
<b>PARK IMPROVEMENT TOTAL</b>		<b>390,082.00</b>	<b>8,498.80</b>	<b>72,246.94</b>	<b>317,835.06</b>	<b>0.19</b>
<b>201</b>	<b>SEWER FUND</b>					
201-300-3403	Reconnect Fee	-	-	-	-	-
201-300-3441	Service Charges Se	417,535.00	303.08	266,302.08	151,232.92	0.64
201-300-3442	Connection Chgs Se	-	-	-	-	-
201-300-3601	Miscellaneous Revenue	100.00	-	-	100.00	0.00
201-300-3611	Interest Income	100.00	-	19.25	80.75	0.19
201-399-9999	Beginning Fund Balance	125,153.00	-	-	125,153.00	0.00
<b>SEWER FUND TOTAL</b>		<b>542,888.00</b>	<b>303.08</b>	<b>266,321.33</b>	<b>276,566.67</b>	<b>0.49</b>
<b>202</b>	<b>SEWER CONSTRUCTION FUND</b>					
202-300-3550	Wastewater Reuse R	146,916.00	110.08	98,353.55	48,562.45	0.67
202-300-3551	SDC-Improvement	12,720.00	1,060.00	18,020.00	(5,300.00)	1.42
202-300-3552	SDC-Reimbursement	35,676.00	2,973.00	50,541.00	(14,865.00)	1.42
202-300-3554	SDC-Administration	3,336.00	278.00	4,726.00	(1,390.00)	1.42
202-300-3601	Miscellaneous Revenue	-	-	-	-	-
202-300-3611	Interest Income	-	-	191.57	(191.57)	-
202-300-3615	Trans from-Sewer	-	-	-	-	-
202-399-9999	Beginning Fund Balance	377,617.00	-	-	377,617.00	0.00
<b>SEWER CONSTRUCTION TOTAL</b>		<b>576,265.00</b>	<b>4,421.08</b>	<b>171,832.12</b>	<b>404,432.88</b>	<b>0.30</b>

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ACCOUNT NO.	DESCRIPTION	BUDGETED REVENUE	PERIOD REVENUE	YTD REVENUE	UNCOLLECTED BALANCE	PERCENT RECEIVED
<b>203</b>	<b>SEWER BOND FUND</b>					
203-300-3601	Miscellaneous Revenue	-	-	-	-	-
203-300-3611	Interest Income	100.00	-	97.16	2.84	0.97
203-391-0201	Trans From-Sewer	29,148.00	-	29,148.00	-	1.00
203-391-0202	Trans From-Sewer C	-	-	-	-	-
203-399-9999	Beginning Fund Balance	64,161.00	-	-	64,161.00	0.00
	<b>SEWER BOND TOTAL</b>	<b>93,409.00</b>	<b>-</b>	<b>29,245.16</b>	<b>64,163.84</b>	<b>0.31</b>
<b>205</b>	<b>WATER FUND</b>					
205-300-3401	Service Charges Wa	388,692.00	1,212.10	262,816.52	125,875.48	0.68
205-300-3402	Connection Chgs Wa	3,600.00	3,333.63	4,679.33	(1,079.33)	1.30
205-300-3403	Reconnection Fee	5,500.00	-	2,624.78	2,875.22	0.48
205-300-3404	Sale Of Surp Prop	-	-	-	-	-
205-300-3601	Miscellaneous Revenue	10,000.00	7.30	8,428.26	1,571.74	0.84
205-300-3611	Interest Income	100.00	-	30.77	69.23	0.31
205-300-3612	Refunds - UB	-	-	-	-	-
205-300-3620	Lease-Water Tower	7,200.00	598.95	4,791.60	2,408.40	0.67
205-300-3622	Verzion Lease	14,400.00	1,200.00	9,722.50	4,677.50	0.68
205-399-9999	Beginning Fund Balance	142,715.00	-	-	142,715.00	0.00
	<b>WATER TOTAL</b>	<b>572,207.00</b>	<b>6,351.98</b>	<b>293,093.76</b>	<b>279,113.24</b>	<b>0.51</b>
<b>206</b>	<b>WATER CONSTRUCTION FUND</b>					
206-300-3550	Water Static Reven	107,052.00	80.16	66,567.87	40,484.13	0.62
206-300-3551	SDC-Improvement	4,152.00	346.00	5,882.00	(1,730.00)	1.42
206-300-3552	SDC-Reimbursement	26,592.00	2,216.00	37,672.00	(11,080.00)	1.42
206-300-3554	SDC-Administration	3,360.00	280.00	4,760.00	(1,400.00)	1.42
206-300-3611	Interest Income	400.00	-	266.57	133.43	0.67
206-391-0251	Trans From-Water	-	-	-	-	-
206-399-9999	Beginning Fund Balance	300,205.00	-	-	300,205.00	0.00
	<b>WATER CONSTRUCTION TOTAL</b>	<b>441,761.00</b>	<b>2,922.16</b>	<b>115,148.44</b>	<b>326,612.56</b>	<b>0.26</b>

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ACCOUNT NO.	DESCRIPTION	BUDGETED REVENUE	PERIOD REVENUE	YTD REVENUE	UNCOLLECTED BALANCE	PERCENT RECEIVED
<b>207</b>	<b>WATER BOND FUND</b>					
207-300-3500	Debt Service Reven	-	-	-	-	-
207-300-3601	Miscellaneous Revene	-	-	-	-	-
207-300-3611	Interest Income	-	-	27.90	(27.90)	-
207-391-0251	Trans From-Water	95,727.00	-	-	95,727.00	0.00
207-399-9999	Beginning Fund Balance	82,500.00	-	-	82,500.00	0.00
	<b>WATER BOND TOTAL</b>	<b>178,227.00</b>	<b>-</b>	<b>27.90</b>	<b>178,199.10</b>	<b>0.00</b>
	<b>TOTAL REVENUE</b>	<b>4,946,795.00</b>	<b>89,049.71</b>	<b>2,321,996.47</b>	<b>2,624,798.53</b>	<b>0.47</b>

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
<b>100</b>	<b>GENERAL FUND</b>					
<b>410</b>	<b>ADMIN</b>					
100-410-1100	SALARIES AND WAGES	70,535.00	-	-	70,535.00	1.00
100-410-1101	City Recorder	-	3,444.56	27,556.58	(27,556.58)	-
100-410-1102	Finance Director	-	1,919.20	14,912.00	(14,912.00)	-
100-410-1105	Administrative Assistant	-	551.26	4,410.02	(4,410.02)	-
	SALARIES AND WAGES	70,535.00	5,915.02	46,878.60	23,656.40	0.34
	EMPLOYEE BENEFITS	41,003.00	-	-	41,003.00	1.00
100-410-4100	EB-Medical & Dental	-	1,957.40	15,005.52	(15,005.52)	-
100-410-4120	EB-Insurance (life & disab)	-	22.11	(181.07)	(181.07)	-
100-410-4150	EB-Employer Taxes	-	452.52	3,641.36	(3,641.36)	-
100-410-4170	EB-PERS	-	1,395.44	11,080.33	(11,080.33)	-
100-410-4190	EB-Workers Comp	-	-	178.81	(178.81)	-
	EMPLOYEE BENEFITS	41,003.00	3,827.47	30,087.09	10,915.91	0.27
	MATERIALS & SERVICES	41,019.00	779.33	23,627.05	17,391.95	0.42
100-410-5200	CONTRACTED SUPPORT	200.00	-	41.79	158.21	0.79
100-410-5300	OPERATIONAL SUPPLIES	375.00	-	110.50	264.50	0.71
100-410-5500	PROGRAM & GRANT EXPENSES	-	-	-	-	-
100-410-6100	BUILDING MAINT & SUPPLIES	3,100.00	131.98	1,256.21	1,843.79	0.59
100-410-6200	RENTALS AND LEASES	2,562.00	76.69	825.24	1,736.76	0.68
100-410-6300	INSURANCE	2,605.00	-	2,471.85	133.15	0.05
100-410-6400	ADVERTISING & RECRUITMENT	2,000.00	35.28	35.28	1,964.72	0.98
100-410-6500	DUES, EDUCATION AND LEARNING	11,765.00	-	5,695.24	6,069.76	0.52
100-410-6600	OFFICE SUPPLIES & MISC EXPENSE	7,650.00	191.57	3,960.44	3,960.44	0.52
100-410-6700	EQUIP MAINT & SUPPLIES	2,600.00	-	-	2,600.00	1.00
100-410-6800	UNIFORMS	200.00	-	-	200.00	1.00
100-410-6900	UTILITIES	5,650.00	498.60	3,595.31	2,054.69	0.36
	MATERIALS & SERVICES	79,726.00	1,713.45	41,348.03	38,377.97	0.48
	<b>TOTAL ADMIN</b>	<b>191,264.00</b>	<b>11,455.94</b>	<b>118,313.72</b>	<b>72,950.28</b>	<b>0.38</b>
<b>412</b>	<b>COURT</b>					
	SALARIES AND WAGES	24,707.00	-	-	24,707.00	1.00
100-412-1100	City Recorder	-	344.46	2,755.69	(2,755.69)	-
100-412-1101	Finance Director	-	287.88	2,236.81	(2,236.81)	-
100-412-1102	Administrative Assistant	-	1,286.28	10,290.24	(10,290.24)	-
100-412-1105	Interpreter	-	-	324.65	(324.65)	-
100-412-1111	Bailiff	-	-	240.00	(240.00)	-
	SALARIES AND WAGES	24,707.00	1,918.62	15,847.39	8,859.61	0.36
	EMPLOYEE BENEFITS	16,322.00	-	-	16,322.00	1.00
100-412-4110	EB-Medical & Dental	-	949.09	7,276.24	(7,276.24)	-
100-412-4120	EB-Insurance (life & disab)	-	7.18	58.15	(58.15)	-
100-412-4150	EB-Employer Taxes	-	146.78	1,220.59	(1,220.59)	-
100-412-4170	EB-PERS	-	388.26	3,156.26	(3,156.26)	-
100-412-4190	EB-Workers Comp	-	-	45.89	(45.89)	-
	EMPLOYEE BENEFITS	16,322.00	1,491.31	11,757.13	4,564.87	0.28
	MATERIALS & SERVICES	10,008.00	687.61	4,907.44	5,100.56	0.51
100-412-5100	PROFESSIONAL SERVICES	50.00	-	-	50.00	1.00
100-412-5300	OPERATIONAL SUPPLIES	500.00	18.73	145.72	354.28	0.71
100-412-6100	BUILDING MAINT & SUPPLIES	520.00	17.53	161.49	358.51	0.69
100-412-6200	RENTALS AND LEASES					

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
100-412-6300	INSURANCE	754.00	-	785.57	(31.57)	(0.04)
100-412-6400	ADVERTISING & RECRUITMENT	100.00	-	-	100.00	1.00
100-412-6500	DUES, EDUCATION AND LEARNING	1,100.00	225.00	564.88	535.12	0.49
100-412-6600	OFFICE SUPPLIES & MISC EXPENSE	1,050.00	28.42	382.29	667.71	0.64
100-412-6700	EQUIP MAINT & SUPPLIES	200.00	-	-	200.00	1.00
100-412-6900	UTILITIES	1,900.00	140.60	989.61	910.39	0.48
	MATERIALS & SERVICES	16,182.00	1,117.89	7,937.00	8,245.00	0.51
	<b>TOTAL COURT</b>	<b>57,211.00</b>	<b>4,527.82</b>	<b>35,541.52</b>	<b>21,669.48</b>	<b>0.38</b>
413	<b>COUNCIL</b>					
100-413-5100	MATERIALS & SERVICES	3,000.00	292.50	2,169.99	830.01	0.28
100-413-5300	PROFESSIONAL SERVICES	3,000.00	-	66.00	2,934.00	0.98
100-413-6500	OPERATIONAL SUPPLIES	1,000.00	-	-	1,000.00	1.00
	DUES, EDUCATION AND LEARNING	7,000.00	292.50	2,235.99	4,764.01	0.68
	MATERIALS & SERVICES	7,000.00	292.50	2,235.99	4,764.01	0.68
	<b>TOTAL COUNCIL</b>	<b>7,000.00</b>	<b>292.50</b>	<b>2,235.99</b>	<b>4,764.01</b>	<b>0.68</b>
419	<b>COMMUNITY DEVELOPMENT</b>					
100-419-1100	SALARIES AND WAGES	13,156.00	-	-	13,156.00	1.00
100-419-1101	City Recorder	-	861.16	6,889.25	(6,889.25)	-
100-419-1102	Finance Director	-	239.90	1,864.00	(1,864.00)	-
100-419-1105	Administrative Assistant	-	-	-	-	-
	SALARIES AND WAGES	13,156.00	1,101.06	8,753.25	4,402.75	0.33
	EMPLOYEE BENEFITS	7,907.00	-	-	7,907.00	1.00
100-419-4110	EB-Medical & Dental	-	368.61	2,825.90	(2,825.90)	-
100-419-4120	EB-Insurance (life & disab)	-	4.11	33.66	(33.66)	-
100-419-4150	EB-Employer Taxes	-	84.24	685.37	(685.37)	-
100-419-4170	EB-PERS	-	278.06	2,214.20	(2,214.20)	-
100-419-4190	EB-Workers Comp	-	-	-	-	-
	EMPLOYEE BENEFITS	7,907.00	735.02	5,759.13	2,147.87	0.27
	MATERIALS & SERVICES	18,000.00	2,334.00	21,641.94	(3,641.94)	(0.20)
100-419-5400	PROFESSIONAL SERVICES	30,400.00	4,448.30	66,433.30	(36,033.30)	(1.19)
100-419-6500	INTERGOVERNMENTAL SE	2,049.00	-	149.00	1,900.00	0.93
100-419-6900	DUES, EDUCATION AND LEARNING	2,049.00	-	-	2,049.00	1.00
	UTILITIES	50,449.00	6,782.30	88,224.24	(37,775.24)	(0.75)
	MATERIALS & SERVICES	50,449.00	6,782.30	88,224.24	(37,775.24)	(0.75)
	<b>COMMUNITY DEVELOPMENT TOTAL</b>	<b>71,512.00</b>	<b>8,618.38</b>	<b>102,736.62</b>	<b>(31,224.62)</b>	<b>(0.44)</b>
421	<b>POLICE</b>					
100-421-1100	SALARIES AND WAGES	404,132.00	-	-	404,132.00	1.00
100-421-1101	City Recorder	-	114.82	918.55	(918.55)	-
100-421-1102	Finance Director	-	95.96	745.58	(745.58)	-
100-421-1103	Chief Of Police	-	6,095.10	49,288.20	(49,288.20)	-
100-421-1105	Administrative Assistant	-	3,603.00	28,824.00	(28,824.00)	-
100-421-1106	Police Officers	-	17,919.56	177,895.59	(177,895.59)	-
100-421-1110	Community Resource	-	-	-	-	-
100-421-1200	Reserve Officers	-	-	16,155.45	(16,155.45)	-
100-421-1210	Overtime Holiday	-	-	-	-	-
100-421-1212	Overtime	-	-	-	-	-
100-421-1300	Overtime	-	-	-	-	-
100-421-1301	PD Holiday	-	-	-	-	-

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
	SALARIES AND WAGES	404,132.00	27,828.44	273,827.37	130,304.63	0.32
100-421-4100	EMPLOYEE BENEFITS	264,294.00	-	-	264,294.00	1.00
100-421-4110	EB-Medical & Dental	-	10,631.60	94,743.29	(94,743.29)	-
100-421-4120	EB-Insurance (life & disab)	-	109.39	992.16	(992.16)	-
100-421-4150	EB-Employer Taxes	-	2,128.86	21,341.08	(21,341.08)	-
100-421-4170	EB-PERS	-	5,392.74	49,043.03	(49,043.03)	-
100-421-4190	EB-Workers Comp	-	2.00	9,146.37	(9,146.37)	-
	EMPLOYEE BENEFITS	264,294.00	18,264.59	175,265.93	89,028.07	0.34
	MATERIALS & SERVICES					
100-421-5100	PROFESSIONAL SERVICES	13,450.00	1,019.95	21,077.27	(7,627.27)	(0.57)
100-421-5200	CONTRACTED SUPPORT	5,670.00	2,475.00	3,002.84	2,667.16	0.47
100-421-5300	OPERATIONAL SUPPLIES	6,750.00	129.88	1,843.65	4,906.35	0.73
100-421-5400	INTERGOVERNMENTAL	86,050.00	-	58,700.90	27,349.10	0.32
100-421-5500	PROGRAM & GRANT EXPENSES	15,000.00	-	-	15,000.00	1.00
100-421-5560	911 Tax - Program	-	-	-	-	-
100-421-6100	BUILDING MAINT & SUPPLIES	2,190.00	150.71	1,622.01	567.99	0.26
100-421-6200	RENTALS AND LEASES	2,640.00	228.01	839.66	1,800.34	0.68
100-421-6300	INSURANCE	16,000.00	-	17,065.93	(1,065.93)	(0.07)
100-421-6400	ADVERTISING & RECRUITMENT	1,000.00	-	-	1,000.00	1.00
100-421-6500	DUES, EDUCATION AND LEARNING	13,600.00	738.01	2,929.66	10,670.34	0.78
100-421-6600	OFFICE SUPPLIES & MISC EXPENSE	7,250.00	521.23	2,479.43	4,770.57	0.66
100-421-6700	EQUIP MAINT & SUPPLIES	46,200.00	1,126.66	10,519.34	35,680.66	0.77
100-421-6800	UNIFORMS	5,000.00	-	91.94	4,908.06	0.98
100-421-6900	UTILITIES	11,300.00	822.31	6,239.30	5,060.70	0.45
	MATERIALS & SERVICES	232,100.00	7,211.76	126,403.07	105,696.93	0.46
	CAPITAL OUTLAY					
100-421-7000	CAPITAL OUTLAY	-	-	-	-	-
	CAPITAL OUTLAY	-	-	-	-	-
	POLICE TOTAL	900,526.00	53,304.79	575,496.37	325,029.63	0.36
452	PARKS					
	SALARIES AND WAGES	63,324.00	-	-	63,324.00	1.00
100-452-1100	City Recorder	-	114.82	918.55	(918.55)	-
100-452-1101	Finance Director	-	95.96	745.61	(745.61)	-
100-452-1102	Public Works Super	-	1,115.43	9,194.13	(9,194.13)	-
100-452-1104	Administrative Assistant	-	936.78	7,494.24	(7,494.24)	-
100-452-1105	Utility Worker 1	-	629.48	7,663.18	(7,663.18)	-
100-452-1108	PW Admin Assistant	-	-	-	-	-
100-452-1109	PW Maintenance PT	-	1,173.53	9,543.48	(9,543.48)	-
100-452-1112	Utility Worker 2	-	-	-	-	-
100-452-1113	PT Seasonal	-	-	-	-	-
100-452-1302	Pager Pay	-	-	-	-	-
100-452-1303	Comp Time	-	-	-	-	-
	SALARIES AND WAGES	63,324.00	4,066.00	35,559.19	27,764.81	0.44
	EMPLOYEE BENEFITS	51,749.00	-	-	51,749.00	1.00
100-452-4110	EB-Medical & Dental	-	2,086.34	17,229.04	(17,229.04)	-
100-452-4120	EB-Insurance (life & disab)	-	16.43	144.12	(144.12)	-
100-452-4150	EB-Employer Taxes	-	311.02	2,760.84	(2,760.84)	-
100-452-4170	EB-PERS	-	994.92	8,494.11	(8,494.11)	-
100-452-4190	EB-Workers Comp	-	-	1,203.88	(1,203.88)	-
	EMPLOYEE BENEFITS	51,749.00	3,408.71	29,831.99	21,917.01	0.42

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Expense Compared to Budget  
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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
<b>MATERIALS &amp; SERVICES</b>						
100-452-5100	PROFESSIONAL SERVICES	2,600.00	60.09	1,106.24	1,493.76	0.57
100-452-5200	CONTRACTED SUPPORT	100.00	-	11.25	88.75	0.89
100-452-5300	OPERATIONAL SUPPLIES	7,000.00	141.75	4,795.69	2,204.31	0.31
100-452-6100	BUILDING MAINT & SUPPLIES	3,400.00	411.86	783.31	2,616.69	0.77
100-452-6200	RENTALS AND LEASES	700.00	10.96	108.93	591.07	0.84
100-452-6300	INSURANCE	3,426.00	-	3,388.75	37.25	0.01
100-452-6400	ADVERTISING & RECRUITMENT	100.00	-	-	100.00	1.00
100-452-6500	DUES, EDUCATION AND LEARNING	1,200.00	-	703.50	496.50	0.41
100-452-6600	OFFICE SUPPLIES & MISC EXPENSE	800.00	24.59	282.00	518.00	0.65
100-452-6700	EQUIP MAINT & SUPPLIES	6,300.00	89.04	2,922.37	3,377.63	0.54
100-452-6800	UNIFORMS	100.00	-	92.50	7.50	0.08
100-452-6900	UTILITIES	4,400.00	475.70	4,242.31	157.69	0.04
<b>MATERIALS &amp; SERVICES</b>						
		30,126.00	1,213.99	18,436.85	11,689.15	0.39
<b>PARKS TOTAL</b>						
		<b>145,199.00</b>	<b>8,688.70</b>	<b>83,828.03</b>	<b>61,370.97</b>	<b>0.42</b>
<b>TRANSFERS OUT</b>						
100-491-8000	Trans To Street Fund	-	-	-	-	-
100-491-8001	Trans To Street Const	-	-	-	-	-
100-491-8002	Trans To Reserve Fund	-	-	-	-	-
100-491-8003	Trans To Sewer Fund	9,907.00	-	-	9,907.00	1.00
100-491-8004	Trans To Sewer Const	-	-	-	-	-
100-491-8005	Trans To Sewer Bond	-	-	-	-	-
100-491-8006	Trans To Water Fund	-	-	-	-	-
100-491-8007	Trans To Water Const	-	-	-	-	-
100-491-8008	Trans To Water Bond	-	-	-	-	-
100-491-8009	Trans To Water Impr	-	-	-	-	-
100-491-8125	TRANSFERS OUT	9,907.00	-	-	9,907.00	1.00
<b>CONTINGENCY</b>						
900	CONTINGENCY	72,750.00	-	-	72,750.00	1.00
100-900-9900	Unappropriated EFB	-	-	-	-	-
100-900-9990	CONTINGENCY	72,750.00	-	-	72,750.00	1.00
<b>GENERAL FUND TOTAL</b>						
		<b>1,455,369.00</b>	<b>86,888.13</b>	<b>918,152.25</b>	<b>537,216.75</b>	<b>0.37</b>
<b>STREETS</b>						
<b>SALARIES AND WAGES</b>						
121-431-1100	City Recorder	70,392.00	-	-	70,392.00	1.00
121-431-1101	Finance Director	-	287.06	2,296.46	(2,296.46)	-
121-431-1102	Public Works Super	-	719.70	5,592.00	(5,592.00)	-
121-431-1104	Administrative Assistant	-	1,115.43	9,194.04	(9,194.04)	-
121-431-1105	Utility Worker 1	-	1,304.28	10,434.24	(10,434.24)	-
121-431-1107	PW Admin Assistant	-	539.54	6,928.48	(6,928.48)	-
121-431-1108	PW Maintenance PT	-	-	-	-	-
121-431-1109	Utility Worker 2	-	1,341.15	10,906.81	(10,906.81)	-
121-431-1112	PT Seasonal	-	-	-	-	-
121-431-1113	Pager Pay	-	-	-	-	-
121-431-1302	Comp Time	-	-	-	-	-
121-431-1303	Comp Time	-	-	-	-	-
<b>SALARIES AND WAGES</b>						
		70,392.00	5,307.16	45,352.03	25,039.97	0.36
<b>EMPLOYEE BENEFITS</b>						
121-431-4100	EB-Medical & Dental	53,766.00	-	-	53,766.00	1.00
121-431-4110	EB-Insurance (life & disab)	-	2,537.97	20,691.15	(20,691.15)	-
121-431-4120	EB-Employer Taxes	-	21.19	183.30	(183.30)	-
121-431-4150	EB-PERS	-	405.98	3,541.56	(3,541.56)	-
121-431-4170	EB-Workers Comp	-	1,234.37	10,382.62	(10,382.62)	-
121-431-4190	EB-Workers Comp	-	-	2,150.15	(2,150.15)	-

**General Ledger  
Expense Compared to Budget  
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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
121-431-5100	MATERIALS & SERVICES	10,600.00	228.96	2,404.98	8,195.02	0.77
121-431-5200	PROFESSIONAL SERVICES	13,200.00	872.25	10,328.88	2,871.12	0.22
121-431-5300	CONTRACTED SUPPORT	100.00	-	70.42	29.58	0.30
121-431-5500	OPERATIONAL SUPPLIES	15,000.00	1,172.82	5,246.89	9,753.11	0.65
121-431-6100	PROGRAM & GRANT EXPENSES	1,100.00	99.13	343.04	756.96	0.69
121-431-6200	BUILDING MAINT & SUPPLIES	800.00	8.76	91.33	708.67	0.89
121-431-6300	RENTALS AND LEASES	2,723.00	-	2,595.48	127.52	0.05
121-431-6400	INSURANCE	100.00	-	-	100.00	1.00
121-431-6500	ADVERTISING & RECRUITMENT	1,300.00	-	378.56	921.44	0.71
121-431-6600	DUES, EDUCATION AND LEARNING	2,200.00	58.36	661.77	1,538.23	0.70
121-431-6700	OFFICE SUPPLIES & MISC EXPENSE	6,700.00	67.10	1,765.59	4,934.41	0.74
121-431-6800	EQUIP MAINT & SUPPLIES	300.00	-	75.94	224.06	0.75
121-431-6900	UNIFORMS	37,100.00	2,756.56	23,134.37	13,965.63	0.38
	UTILITIES					
	MATERIALS & SERVICES	91,223.00	5,263.94	47,097.25	44,125.75	0.48
	TRANSFERS OUT					
121-491-8001	Trans To Street Fund	-	-	-	-	-
121-491-8002	Trans To Street Const	-	-	-	-	-
121-491-8003	Trans To Reserve Fund	7,820.00	-	-	7,820.00	1.00
121-491-8004	Trans To Sewer Fund	-	-	-	-	-
121-491-8005	Trans To Sewer Const	-	-	-	-	-
121-491-8006	Trans To Sewer Bond	-	-	-	-	-
121-491-8007	Trans To Water Bond	-	-	-	-	-
121-491-8008	Trans To Water Const	-	-	-	-	-
121-491-8009	Trans To Water Bond	-	-	-	-	-
121-491-8701	Operational Overhead	19,026.00	-	10,504.45	8,521.55	0.45
	TRANSFERS OUT	26,846.00	-	10,504.45	16,341.55	0.61
121-900-9900	CONTINGENCY	67,879.00	-	-	67,879.00	1.00
121-900-9990	Unappropriated EFB	-	-	-	-	-
	CONTINGENCY	67,879.00	-	-	67,879.00	1.00
	<b>STREETS TOTAL</b>	<b>310,106.00</b>	<b>14,770.61</b>	<b>139,902.51</b>	<b>170,203.49</b>	<b>0.55</b>
<b>122</b>	<b>STREET CONSTRUCTION</b>					
	MATERIALS & SERVICES					
122-431-5100	PROFESSIONAL SERVICES	-	-	-	-	-
122-431-5500	PROGRAM & GRANT EXPENSES	3,900.00	-	-	3,900.00	1.00
122-431-6400	ADVERTISING & RECRUITMENT	-	-	-	-	-
	MATERIALS & SERVICES	3,900.00	-	-	3,900.00	1.00
	CAPITAL OUTLAY					
122-431-7000	CAPITAL OUTLAY	200,000.00	-	16,280.94	183,719.06	0.92
	CAPITAL OUTLAY	200,000.00	-	16,280.94	183,719.06	0.92
	TRANSFERS OUT					
122-491-8701	TRANSFERS OUT	-	-	-	-	-
122-491-8801	Transfer Out- Oper SDC Administration	2,016.00	-	-	2,016.00	1.00
	TRANSFERS OUT	2,016.00	-	-	2,016.00	1.00
	CONTINGENCY					
122-900-9900	CONTINGENCY	10,442.00	-	-	10,442.00	1.00

**General Ledger  
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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
122-900-9990	Unappropriated EFB	-	-	-	-	-
	CONTINGENCY	10,442.00	-	-	10,442.00	1.00
	<b>STREET CONSTRUCTION TOTAL</b>	<b>216,358.00</b>	<b>-</b>	<b>16,280.94</b>	<b>200,077.06</b>	<b>0.92</b>
<b>123</b>	<b>RESERVE FUND</b>					
	CAPITAL OUTLAY					
123-419-7000	Capital Outlay	799.00	-	-	799.00	1.00
123-419-7504	Dump Truck	24,900.00	-	-	24,900.00	1.00
123-419-7505	Backhoe	35,180.00	-	-	35,180.00	1.00
123-419-7506	Pub Wrks Trac/Mowe	10,450.00	-	-	10,450.00	1.00
123-419-7515	Plofter	6,800.00	-	-	6,800.00	1.00
123-419-7710	Pub Wrks Pick Up	44,644.00	-	-	44,644.00	1.00
123-419-7712	New Software	21,000.00	-	-	6,000.00	0.29
123-419-7725	Server	10,387.00	-	-	10,387.00	1.00
123-419-7726	City Hall Siding	11,460.00	-	-	11,460.00	1.00
123-419-7727	City Hall Carpet	1,235.00	-	-	1,235.00	1.00
123-419-7740	Police Vehicle	3,268.00	-	-	3,268.00	1.00
	CAPITAL OUTLAY	170,123.00	-	15,000.00	155,123.00	0.91
	CONTINGENCY	-	-	-	-	-
	CONTINGENCY	-	-	-	-	-
	Unappropriated EFB	-	-	-	-	-
	CONTINGENCY	-	-	-	-	-
	<b>RESERVE FUND TOTAL</b>	<b>170,123.00</b>	<b>-</b>	<b>15,000.00</b>	<b>155,123.00</b>	<b>0.91</b>
<b>452</b>	<b>PARK IMPROVEMENT FUND</b>					
	MATERIALS & SERVICES					
125-452-5100	MATERIALS & SERVICES TOTAL	-	-	-	-	-
	CAPITAL OUTLAY					
125-452-7000	CAPITAL OUTLAY	350,000.00	-	-	350,000.00	1.00
	CAPITAL OUTLAY	350,000.00	-	-	350,000.00	1.00
	TRANSFERS OUT					
125-491-8000	TRANSFERS OUT	1,776.00	-	-	1,776.00	1.00
	TRANSFERS OUT	1,776.00	-	-	1,776.00	1.00
	CONTINGENCY					
125-900-9900	CONTINGENCY	38,306.00	-	-	38,306.00	1.00
125-900-9990	Unappropriated EFB	-	-	-	-	-
	CONTINGENCY	38,306.00	-	-	38,306.00	1.00
	<b>PARK IMPROVEMENT TOTAL</b>	<b>390,082.00</b>	<b>-</b>	<b>-</b>	<b>390,082.00</b>	<b>1.00</b>
<b>201</b>	<b>SEWER FUND</b>					
	SALARIES AND WAGES					
201-432-1100	City Recorder	98,936.00	-	-	98,936.00	1.00
201-432-1101	Finance Director	-	287.06	2,296.46	(2,296.46)	-
201-432-1102	Public Works Super	-	719.70	5,592.00	(5,592.00)	-
201-432-1104	Administrative Assistant	-	2,106.93	17,366.62	(17,366.62)	-
201-432-1105	Utility Worker 1	-	1,488.04	11,904.32	(11,904.32)	-
201-432-1107	PW Admnin Assistant	-	2,787.68	24,033.03	(24,033.03)	-
201-432-1108	PW Maintenance PT	-	-	-	-	-
201-432-1109	Utility Worker 2	-	502.95	4,090.14	(4,090.14)	-
201-432-1112	Utility Worker 2	-	-	-	-	-

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
201-432-1113	PT Seasonal	-	-	-	-	-
201-432-1302	Pager Pay	-	-	-	-	-
201-432-1303	Comp Time	-	-	-	-	-
	<b>SALARIES AND WAGES</b>	<b>98,936.00</b>	<b>7,892.36</b>	<b>65,282.57</b>	<b>33,653.43</b>	<b>0.34</b>
201-432-4100	EMPLOYEE BENEFITS	73,157.00	-	-	73,157.00	1.00
201-432-4110	EB-Medical & Dental	-	3,551.47	27,844.57	(27,844.57)	-
201-432-4120	EB-Insurance (life & disab)	-	30.17	253.63	(253.63)	-
201-432-4150	EB-Employer Taxes	-	603.78	5,122.51	(5,122.51)	-
201-432-4170	EB-PERS	-	1,988.67	16,367.06	(16,367.06)	-
201-432-4190	EB-Workers Comp	-	-	1,507.77	(1,507.77)	-
	<b>EMPLOYEE BENEFITS</b>	<b>73,157.00</b>	<b>6,174.09</b>	<b>51,095.54</b>	<b>22,061.46</b>	<b>0.30</b>
	<b>MATERIAL &amp; SERVICES</b>	<b>16,500.00</b>	<b>590.53</b>	<b>4,194.97</b>	<b>12,305.03</b>	<b>0.75</b>
201-432-5100	PROFESSIONAL SERVICES	24,300.00	220.00	5,876.83	18,423.17	0.76
201-432-5200	CONTRACTED SUPPORT	5,000.00	139.31	2,423.33	2,576.67	0.52
201-432-5300	OPERATIONAL SUPPLIES	2,500.00	38.08	480.23	2,019.77	0.81
201-432-6100	BUILDING MAINT & SUPPLIES	1,800.00	43.82	448.28	1,351.72	0.75
201-432-6200	RENTALS AND LEASES	6,856.00	-	6,992.44	(136.44)	(0.02)
201-432-6300	INSURANCE	100.00	-	-	100.00	1.00
201-432-6400	ADVERTISING & RECRUITMENT	6,100.00	197.21	3,084.96	3,015.04	0.49
201-432-6500	DUES, EDUCATION AND LEARNING	7,100.00	2,368.25	3,991.37	3,108.63	0.44
201-432-6600	OFFICE SUPPLIES & MISC EXPENSE	20,000.00	153.71	7,130.93	12,869.07	0.64
201-432-6700	EQUIP MAINT & SUPPLIES	600.00	-	189.44	410.56	0.68
201-432-6800	UNIFORMS	41,100.00	3,795.07	27,525.58	13,574.42	0.33
201-432-6900	UTILITIES	131,956.00	7,545.98	62,338.36	69,617.64	0.53
	<b>MATERIAL &amp; SERVICES</b>	<b>131,956.00</b>	<b>7,545.98</b>	<b>62,338.36</b>	<b>69,617.64</b>	<b>0.53</b>
	<b>TRANSFERS OUT</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
201-491-8001	Trans To Street Fund	-	-	-	-	-
201-491-8002	Trans To Street Const	-	-	-	-	-
201-491-8003	Trans To Reserve Fund	10,980.00	-	-	10,980.00	1.00
201-491-8004	Trans To Sewer Fund	-	-	-	-	-
201-491-8005	Trans To Sewer Const	-	-	-	-	-
201-491-8006	Trans To Sewer Bond	29,148.00	-	29,148.00	-	0.00
201-491-8007	Trans To Water Fund	-	-	-	-	-
201-491-8008	Trans To Water Const	-	-	-	-	-
201-491-8009	Trans To Water Bond	-	-	-	-	-
201-491-8203	Trans To Sewer Bond	-	-	-	-	-
201-491-8601	Franchise Fee	20,877.00	-	10,048.67	10,828.33	0.52
201-491-8701	Operational Overhead	26,965.00	-	12,116.99	14,848.01	0.55
	<b>TRANSFERS OUT</b>	<b>87,970.00</b>	<b>-</b>	<b>51,313.66</b>	<b>36,656.34</b>	<b>0.42</b>
	<b>CONTINGENCY</b>	<b>150,869.00</b>	<b>-</b>	<b>-</b>	<b>150,869.00</b>	<b>1.00</b>
201-900-9900	CONTINGENCY	150,869.00	-	-	150,869.00	1.00
201-900-9990	Unappropriated EFB	-	-	-	-	-
	<b>CONTINGENCY</b>	<b>150,869.00</b>	<b>-</b>	<b>-</b>	<b>150,869.00</b>	<b>1.00</b>
	<b>SEWER TOTAL</b>	<b>542,888.00</b>	<b>21,612.43</b>	<b>230,030.13</b>	<b>312,857.87</b>	<b>0.58</b>
<b>202</b>	<b>SEWER CONSTRUCTION</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
202-432-5100	MATERIAL & SERVICES	-	-	-	-	-
	<b>MATERIAL &amp; SERVICES</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>CAPITAL OUTLAY</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
202-432-7000	Capital Outlay	130,000.00	-	-	130,000.00	1.00
	CAPITAL OUTLAY	130,000.00	-	-	130,000.00	1.00
	TRANSFERS OUT					
	TRANSFERS OUT	3,336.00	-	-	3,336.00	1.00
202-491-8000	TRANSFERS OUT	3,336.00	-	-	3,336.00	1.00
	TRANSFERS OUT	3,336.00	-	-	3,336.00	1.00
	CONTINGENCY					
	CONTINGENCY	442,929.00	-	-	442,929.00	1.00
202-900-9900	Unappropriated EFB	442,929.00	-	-	442,929.00	1.00
202-900-9990	CONTINGENCY	442,929.00	-	-	442,929.00	1.00
	CONTINGENCY	442,929.00	-	-	442,929.00	1.00
	<b>SEWER CONSTRUCTION TOTAL</b>	<b>576,265.00</b>	<b>-</b>	<b>-</b>	<b>576,265.00</b>	<b>1.00</b>
<b>203</b>	<b>SEWER BOND FUND</b>					
	MATERIALS & SERVICES					
	OFFICE SUPPLIES & MISC EXPENSE					
	MATERIALS & SERVICES	-	-	-	-	-
203-432-6600	DEBT SERVICE					
	DEBT SERVICE	14,337.00	7,214.00	14,428.00	(91.00)	(0.01)
203-432-9001	Loan Interest	40,997.00	20,029.00	40,058.00	939.00	0.02
203-432-9002	Loan Principal	40,997.00	20,029.00	40,058.00	939.00	0.02
	DEBT SERVICE	55,334.00	27,243.00	54,486.00	848.00	0.02
	CONTINGENCY					
	CONTINGENCY	-	-	-	-	-
203-900-9900	Unappropriated EFB	38,075.00	-	-	38,075.00	1.00
203-900-9990	CONTINGENCY	38,075.00	-	-	38,075.00	1.00
	CONTINGENCY	38,075.00	-	-	38,075.00	1.00
	<b>SEWER BOND FUND TOTAL</b>	<b>93,409.00</b>	<b>27,243.00</b>	<b>54,486.00</b>	<b>38,923.00</b>	<b>0.42</b>
<b>205</b>	<b>WATER FUND</b>					
	SALARIES AND WAGES	80,122.00	-	-	80,122.00	1.00
205-461-1100	City Recorder	-	287.06	2,296.46	(2,296.46)	-
205-461-1101	Finance Director	-	719.70	5,592.00	(5,592.00)	-
205-461-1102	Public Works Super	-	1,859.06	15,323.54	(15,323.54)	-
205-461-1105	Administrative Assistant	-	1,855.54	14,844.38	(14,844.38)	-
205-461-1107	Utility Worker 1	-	539.54	6,508.33	(6,508.33)	-
205-461-1108	PW Admin Assistant	-	-	-	-	-
205-461-1109	PW Maintenance PT	-	335.29	2,726.69	(2,726.69)	-
205-461-1112	Utility Worker 2	-	-	-	-	-
205-461-1113	PT Seasonal	-	-	-	-	-
205-461-1302	Pager Pay	-	-	-	-	-
205-461-1303	Comp Time	-	-	-	-	-
	SALARIES AND WAGES	80,122.00	5,596.19	47,291.40	32,830.60	0.41
	EMPLOYEE BENEFITS	59,567.00	-	-	59,567.00	1.00
205-461-4110	EB-Medical & Dental	-	2,471.82	19,978.58	(19,978.58)	-
205-461-4120	EB-Insurance (life & disab)	-	21.49	183.98	(183.98)	-
205-461-4150	EB-Employer Taxes	-	428.14	3,691.09	(3,691.09)	-
205-461-4170	EB-PERS	-	1,350.45	11,271.15	(11,271.15)	-
205-461-4190	EB-Workers Comp	-	-	1,199.04	(1,199.04)	-

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ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
	EMPLOYEE BENEFITS	59,567.00	4,271.90	36,323.84	23,243.16	0.39
	MATERIALS & SERVICES					
205-461-5100	PROFESSIONAL SERVICES	18,100.00	658.03	4,240.51	13,859.49	0.77
205-461-5200	CONTRACTED SUPPORT	12,000.00	177.50	4,109.89	7,890.11	0.66
205-461-5300	OPERATIONAL SUPPLIES	16,000.00	809.01	12,573.31	3,426.69	0.21
205-461-6100	BUILDING MAINT & SUPPLIES	2,000.00	45.05	786.71	1,213.29	0.61
205-461-6200	RENTALS AND LEASES	2,300.00	43.82	448.28	1,851.72	0.81
205-461-6300	INSURANCE	9,793.00	-	9,736.12	56.88	0.01
205-461-6400	ADVERTISING & RECRUITMENT	100.00	-	-	100.00	1.00
205-461-6500	DUES, EDUCATION AND LEARNING	5,500.00	322.21	2,925.91	2,574.09	0.47
205-461-6600	OFFICE SUPPLIES & MISC EXPENSE	8,500.00	139.76	3,813.28	4,686.72	0.55
205-461-6700	EQUIP MAINT & SUPPLIES	16,300.00	477.05	7,172.06	9,127.94	0.56
205-461-6800	UNIFORMS	600.00	-	86.01	513.99	0.86
205-461-6900	UTILITIES	38,300.00	3,208.83	25,156.53	13,143.47	0.34
	MATERIALS & SERVICES	129,493.00	5,881.26	71,048.61	58,444.39	0.45
	TRANSFERS OUT					
205-491-8001	Trans To Street Fund	-	-	-	-	-
205-491-8002	Trans To Street Const	-	-	-	-	-
205-491-8003	Trans To Reserve Fund	10,980.00	-	-	10,980.00	1.00
205-491-8004	Trans To Sewer Fund	-	-	-	-	-
205-491-8005	Trans To Sewer Const	-	-	-	-	-
205-491-8006	Trans To Sewer Bond	-	-	-	-	-
205-491-8007	Trans To Sewer Bond	-	-	-	-	-
205-491-8008	Trans To Water Const	-	-	-	-	-
205-491-8009	Trans To Water Bond	95,727.00	-	-	95,727.00	1.00
205-491-8206	Trans To Water Const	-	-	-	-	-
205-491-8207	Trans To Water Bond	-	-	-	-	-
205-491-8601	Trans Out - Franch	19,890.00	-	10,227.91	9,662.09	0.49
205-491-8701	Trans Out Op OH	23,861.00	-	10,779.72	13,081.28	0.55
	TRANSFERS OUT	150,458.00	-	21,007.63	129,450.37	0.86
	CONTINGENCY					
205-900-9900	CONTINGENCY	152,567.00	-	-	152,567.00	1.00
205-900-9990	Unappropriated EFB	-	-	-	-	-
	CONTINGENCY	152,567.00	-	-	152,567.00	1.00
	<b>WATER FUND TOTAL</b>	<b>572,207.00</b>	<b>15,749.35</b>	<b>175,671.48</b>	<b>396,535.52</b>	<b>0.69</b>
<b>206</b>	<b>WATER CONSTRUCTION</b>					
	MATERIALS & SERVICES					
206-461-5100	PROFESSIONAL SERVICES	-	-	31.50	(31.50)	-
	MATERIALS & SERVICES					
206-461-5100	PROFESSIONAL SERVICES	-	-	31.50	(31.50)	-
	MATERIALS & SERVICES					
206-461-7000	CAPITAL OUTLAY	34,000.00	1,875.00	18,342.00	15,658.00	0.46
	Capital Outlay					
206-461-7000	CAPITAL OUTLAY	34,000.00	1,875.00	18,342.00	15,658.00	0.46
	CAPITAL OUTLAY					
206-491-8000	TRANSFERS OUT	3,360.00	-	-	3,360.00	1.00
	TRANSFERS OUT					
206-491-8000	TRANSFERS OUT	3,360.00	-	-	3,360.00	1.00
	TRANSFERS OUT					
206-900-9900	CONTINGENCY	404,401.00	-	-	404,401.00	1.00
206-900-9990	Unappropriated EFB	-	-	-	-	-

**General Ledger  
Expense Compared to Budget  
Feb-16**

ACCOUNT NO	DESCRIPTION	BUDGETED AMOUNT	PERIOD AMOUNT	YTD AMOUNT	AVAILABLE	PERCENT AVAILABLE
	CONTINGENCY	404,401.00	-	-	404,401.00	1.00
	<b>WATER CONSTRUCTION TOTAL</b>	<b>441,761.00</b>	<b>1,875.00</b>	<b>18,373.50</b>	<b>423,387.50</b>	<b>0.96</b>
<b>207</b>	<b>WATER DEBT SERVICE</b>					
	DEBT SERVICE					
207-461-9001	BOND INTEREST	19,260.00	-	9,906.94	9,353.06	0.49
207-461-9002	BOND PRINCIPAL	76,467.00	-	37,956.52	38,510.48	0.50
207-461-9003	DEBT SERVICE FEE P	-	-	-	-	-
	DEBT SERVICE	95,727.00	-	47,863.46	47,863.54	0.50
	CONTINGENCY	-	-	-	-	-
207-900-9900	CONTINGENCY	82,500.00	-	-	82,500.00	1.00
207-900-9990	Unappropriated EFB	82,500.00	-	-	82,500.00	1.00
	CONTINGENCY	82,500.00	-	-	82,500.00	1.00
	<b>WATER DEBT SERVICE TOTAL</b>	<b>178,227.00</b>	<b>-</b>	<b>47,863.46</b>	<b>130,363.54</b>	<b>0.73</b>
	<b>TOTAL ALL FUNDS</b>	<b>4,946,795.00</b>	<b>168,138.52</b>	<b>1,615,760.27</b>	<b>3,331,034.73</b>	<b>0.67</b>

**CITY OF HUBBARD  
SPECIAL CITY COUNCIL MEETING MINUTES  
JANUARY 25, 2016**

**CALL TO ORDER:** The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 6:00 p.m. at the Hubbard City Hall, 3720 2<sup>nd</sup> Street, Hubbard.

**FLAG SALUTE:** Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

**City Council Present:** Jim Yonally, Barbara Ruiz, Matt Kennedy, Angie Wheatcroft, Shannon Schmidt.

**Budget Committee Members Present:** Tom McCain, Robert Prinslow, Joan Viers, Nathan Holmes.

**Staff Present:** Director of Administration/City Recorder Vickie Nogle, MMC; Senior Accounting Specialist Kari Kurtz; Police Chief Dave Dryden; Public Works Superintendent Jaime Estrada.

**DISCUSSION REGARDING SCD'S – DEAN MILLER.** Mayor Jim Yonally said similar situations have occurred in the past, when councilors are involved in issues or topics of discussion. The Council must decide if there is a conflict of interest. He said in this case, City Councilor Matt Kennedy is materially involved, but which way the Council makes a decision on the topic at hand does not make a difference financially for him.

City Councilor Matt Kennedy read the following into the record: “Dean Miller is a current and past client of mine. He is currently trying to determine if he paid system development charges for the home he built at 3533 7<sup>th</sup> Street in 2006. I’ve tried to go through records with Dean and with Vickie to determine if those fees were paid or waived. There has been mention that I may have a conflict of interest in this matter. To be clear, the outcome makes no difference to me. Dean Miller has a pending sale on the lot at 3501 7<sup>th</sup> Street that has sewer and water connections to an old home that he owned prior to splitting that lot. I am representing the parties on a sales transaction for the lot at 3501. That transaction closes whether he paid fees on 3533 or not. Understandably, we have different recollections of the events 10 years ago during the planning and construction process. There are limited records for some of the details of that time. I will let council hear from Mr. Miller and from Vickie to determine the facts. I have nothing more than they do in the way of evidence. I do believe that if there is discussion where I can have substantive input, I should be allowed to do so. I have an obligation to the city to collect money that we are owed, and also have an obligation to the citizens that I represent as a council person to see that they’re treated fairly in doing business in our town.”

Dean Miller, 7711 S Barnards Road, Canby, said he bought the home at 3501 7<sup>th</sup> Street in 1996. In 2005, he removed the home and divided the lot. He built a new home on one of the lots, 3533 7<sup>th</sup> Street in 2005. The water and sewer hook ups remained at 3501 7<sup>th</sup> Street after the house had been removed. He said his recollection is that the SDCs paid for water and sewer hook-up at 3501 7<sup>th</sup> Street stayed with that house. He said he remembers having a conversation with his builder about water and sewer connections and SDCs staying with the lot at 3501 7<sup>th</sup> Street. To the best of his knowledge, he believes SDCs were paid on the new house at 3533 7<sup>th</sup> Street. The evidence he has is the bank statements showing withdraws from his construction loan with the label “permits and fees” in the amount of \$12,627. He said at that time, SDCs were \$10,127, leaving \$2,500. According to the City’s records, he paid permit fees of \$2,402. He said his builder paid all fees and took draws from the construction loan as reimbursement. He said he is in the process of selling the lot, and needs resolution of this issue to reach the sale price of that lot. He said the City asked him to provide receipts, which he doesn’t have, and his builder is now retired so he doesn’t have any of his records. He said Matt Kennedy is his realtor and has done most of the research on this issue on his behalf. He said he was told by M. Kennedy that some

questions to be asked include: If the City did transfer the SDCs, does the City have record of a land use decision in writing that transferred the SDCs from one lot to the other; and if the City would allow him to make new water and sewer connections at 3533 7<sup>th</sup> Street without paying any fees or SDCs. He said one question Vickie Nogle asked him was why the permit fees were drawn on the construction loan in different increments instead of one lump sum when the City requires payment before construction. He said M. Kennedy called his loan officer at Home Street Bank, who said it was not uncommon to take draws in different increments.

Director of Administration/City Recorder Vickie Nogle said her memo was provided in the meeting agenda packet. She said she looked through the Recorder's Trust records and didn't find anything receipted to the two different addresses, Mr. Miller's name or the contractor's name. She believes at the time, the SDCs went to the newer home, as the Millers were going to be living in the new house, and the other lot would remain vacant.

J. Yonally commented the question at hand is determining whether D. Miller has to pay the SDCs. He said on one hand, the City doesn't show any evidence it was paid, after searching the three locations where the documentation would be. On the other hand, D. Miller shows the money was withdrawn from his loan.

M. Kennedy said he spoke with the City Attorney about this matter on what would be a conflict of interest. M. Kennedy said a lack of evidence is not evidence. He said D. Miller has bank records showing the money was withdrawn for it.

J. Yonally said the Council has a few options. They can charge the SDC's at the 2005 rate, at the 2016 rate, not charge them at all, or split the amount. He said he believes to be fair, he'd recommend splitting the amount.

M. Kennedy said he would be glad to vote on the matter or have others come forward and speak.

MSA/City Councilor Angie Wheatcroft/City Councilor Shannon Schmidt moved to charge the SDC's for D. Miller for 3501 7<sup>th</sup> Street at half the 2005 rate. City Councilor Angie Wheatcroft, City Councilor Barbara Ruiz, City Councilor Matt Kennedy, City Councilor Shannon Schmidt, and Mayor Jim Yonally were in favor. Motion passed.

Mayor Jim Yonally closed the City Council portion of the meeting and opened the Budget Committee workshop.

**DISCUSSION REGARDING GENERAL FUND.** Senior Accounting Specialist Kari Kurtz said the FY 2015-2016 Budget was prepared by the previous budget officer, who is no longer working with the City. She stated there has been quite a bit of turnover in the finance position and she has discovered some incorrect information as well as things that were overlooked. She said what needs to be done now is make some changes and move forward. K. Kurtz said at this point, staff needs to know what Council's priorities are, whether to cut personnel, services, expenses, raise rates to create revenue, try to pass a levy, etc., in order to get through this budget year and create a substantial ending fund balance. There are other options as well. Tax Anticipation Notes (available at some banks) are loans with a promise to pay upon receipt of property tax, but there are fees involved; loans from other departments, though it puts other funds in jeopardy; or a levy, though the City wouldn't see that revenue for a couple years.

K. Kurtz said if the City hires an officer at Step A of the salary schedule, for salary and benefits, it would cost \$74,179. If the City hires a full time utility worker at Step A, with salary and benefits, it would cost the general fund \$23,786; part time utility worker would cost the general fund \$6,000-\$7,000.

City Councilor Angie Wheatcroft asked what that utility worker would do, would they basically have the duties of a part-time summer helper.

Public Works Superintendent Jaime Estrada said that is correct.

A. Wheatcroft said the most common complaint she hears is about the mowing.

J. Estrada said the City had been setting money aside to buy a larger mower.

A. Wheatcroft said the City really needs to look at the cost-benefit analysis.

Director of Administration/City Recorder Vickie Nogle asked if Public Works had looked into the cost of contracting out the mowing services.

A. Wheatcroft said it might be a good idea to look into the cost-benefit of contracting the mowing services.

Police Chief Dave Dryden said the revenues haven't been increasing as quickly as expenses, which is one reason why the City is in the position it currently is in. He said ultimately, the City needs to decide what services to keep and what services to do without.

K. Kurtz commented staff has been cutting expenses over the past few years.

City Councilor Matt Kennedy said he knows it won't be a popular suggestion, but because the idea of contracting out the mowing services was brought up, what if police services were also contracted. He said the Aurora City Council President mentioned their contracting police service with the Sheriff's office has worked well.

D. Dryden said there is a trade-off to contracting out police services. He said for personnel costs, you may get a better deal, but you may not be able to get the same amount of coverage.

Budget Committee Member Robert Prinslow asked what is covered under the \$41,019 budgeted in Professional Services.

D. Dryden replied that covers services such as the City Attorney, auditors, IT services, etc.

R. Prinslow asked if "Administrative Assistant" is one person or three different people.

D. Dryden responded there is one in each department.

K. Kurtz added the salaries for administrative assistants are distributed across various funds according to the work they do.

R. Prinslow asked what the training and membership line item buys the City.

D. Dryden said that covers membership in various organizations, such as the League of Oregon Cities, Mid-Willamette Valley Council of Governments, training for staff to maintain certifications, etc.

R. Prinslow said he doesn't want to lose a staff member.

D. Dryden said every year the city has many more needs than funds they have to cover them, so every year during the budget process; departments have to make cuts and help other departments cover for absolute needs. He added every year for the past 15 years, siding replacement for City Hall has been cut, and at this point it has very much deteriorated. He said the carpets are in the same situation, all you need to do is look around and see how badly they need to be replaced.

R. Prinslow asked why nothing has been done to raise revenue.

D. Dryden said there were measures put into place that limit how much a city can tax.

M. Kennedy said the City had been a different story by previous finance people in the past number of years; they were told the City was sitting fine financially. He said staff was going without pay raises, etc. in order to maintain the same level of service while the revenues weren't increasing. M. Kennedy asked what the annual shortfall is, how much needs to be cut to put City in a good position.

V. Nogle commented if citizens want the same continued level of service, at some point, the city may need to consider going out for a tax levy to increase tax revenue.

J. Yonally suggested looking into cost-benefit of contracting out the mowing. He said he'd like to replace the police officer, but doesn't think it's realistic to do right now. He suggested looking into cost-benefit of contracting for the police department, even though he'd personally like to see police services based in Hubbard.

The Consensus of the City Council and Budget Committee was to look into the cost difference in contracting services for mowing or looking at cost-benefit of a part time employee during mowing season, and contracting police services.

**ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, FEBRUARY 9, 2016, AT 7:00 P.M.)** Mayor Jim Yonally closed the meeting at 7:40 p.m.

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Mayor Jim Yonally

**ATTEST:**

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Vickie L. Nogle, MMC,  
Director of Administration/City Recorder

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Lucy T. Astorga, Administrative Assistant  
Recording & Transcribing

**RESOLUTION NO. 602-2016**

**IN THE MATTER OF AUTHORIZING THE CITY OF HUBBARD TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE REPLACEMENT OF THE RESTROOMS AT RIVENES PARK AND DELEGATING AUTHORITY TO MELINDA OLINGER TO SIGN THE APPLICATION**

**Findings:**

- A. The Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and
- B. The City of Hubbard desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and
- C. The Hubbard City Council have identified improvements at Rivenes Park as a high priority need in the City of Hubbard; and
- D. Per the City of Hubbard's Master Parks Plan, the City of Hubbard and the Hubbard Parks Committee have identified the need to replace the existing restroom at Rivenes Park; and
- E. The City of Hubbard has available local matching funds to fulfill its share of obligation related to this grant application should grant funds be awarded; and
- F. The City of Hubbard will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded.

**Based on the findings, the City of Hubbard ordains as follows:**

1. The Hubbard City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for the Rivenes Park restroom replacement project.
2. This Resolution shall be effective following its adoption by the Hubbard City Council.

**ADOPTED BY THE CITY COUNCIL** this 8<sup>th</sup> day of March 2016.

**APPROVED:**

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Jim Yonally, Mayor

**ATTEST:**

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Vickie Nogle, MMC  
Director of Administration/City Recorder

**APPROVED AS TO FORM:**



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Beery, Elsner & Hammond, City Attorney

**CITY OF HUBBARD, OREGON**  
**RESOLUTION NO. 603-2016**

**A RESOLUTION AUTHORIZING AN ANNUAL ADJUSTMENT OF  
SYSTEMS DEVELOPMENT CHARGES, AMENDING RESOLUTION NO.  
533-2012, AND REPEALING RESOLUTION NO. 587-2015.**

**Findings**

- A. Title 15 of the Hubbard Municipal Code (HMC) provides for the setting of systems development charges; and
- B. Section 15.15.010 of the Hubbard Municipal Code specifies that such charges shall be set by a separate resolution of the City Council, and
- C. The methodology used to determine a systems development charge for transportation, water, wastewater and park improvements are included in resolution No. 533-2012; and
- D. Section 15.15.040 (6) of the Hubbard Municipal Code specifies that on January 1st of each year the Systems Development Charges be adjusted to account for changes in the costs of acquiring and constructing facilities. The adjustment factor shall be based on the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index (CCI); and
- E. The Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index (CCI) increased to 10396.13 in January 2016 from 10388.33 in January 2015, an increase of 0.1% during that time period;
- F. ORS 223.304 (8) authorizes cities to modify a reimbursement fee or an improvement fee if the change is based on the periodic application of one or more specific cost indexes, prepared by a recognized independent organization and the annual adjustment is authorized by the city's authorizing systems development charge ordinance; and
- G. The Director of Administration/City Recorder has prepared an updated list of the transportation, water, wastewater and parks systems development charges which reflect the 0.1% increase and has provided copies to the City Council and made them available to the public.

**Based on the findings, the City of Hubbard ordains as follows:**

**1. ADJUSTMENT OF SYSTEMS DEVELOPMENT CHARGES**

- A. Effective March 8, 2016, the City of Hubbard transportation, water, wastewater and parks systems development charges are hereby increase 0.1% to reflect the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index (CCI) for the period from January 2015 to January 2016.
- B. The Director of Administration/City Recorder is hereby directed to prepare an updated schedule of systems development charges for the City of Hubbard.

**2. EFFECTIVE DATE**

This resolution shall be in full force and effect on March 8, 2016.

- 3. Resolution No. 587-2015 is hereby repealed.

**ADOPTED BY THE CITY COUNCIL** this 8th day of March 2016.

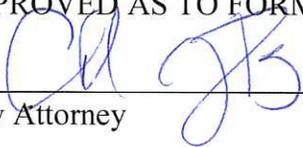
APPROVED:

\_\_\_\_\_  
Jim Yonally, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Nogle, MMC, Director of Administration / City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

# CONSTRUCTION ECONOMICS

ENR's 20-city average cost indexes, wages and material prices. Historical data and details for ENR's 20 cities can be found at [ENR.com/economics](http://ENR.com/economics)

## Construction Cost Index

**+1.6%**  
JAN 2016

ANNUAL INFLATION RATE

1913=100	INDEX VALUE	MONTH	YEAR
CONSTRUCTION COST	10132.55r	0.0%	+1.6%
COMMON LABOR	21601.58r	0.0%	+2.2%
WAGES\$/HR	41.25r	0.0%	+2.2%

The Construction Cost Index's annual escalation rate declined to 1.6% in January, falling from 2.0% the previous month, as the materials component slipped 0.1%.

## Building Cost Index

**+1.2%**  
JAN 2016

ANNUAL INFLATION RATE

1913=100	INDEX VALUE	MONTH	YEAR
BUILDING COST	5561.76r	0.0%	+1.2%
SKILLED LABOR	9705.74r	+0.1%	+2.3%
WAGES\$/HR	53.84r	+0.1%	+2.3%

The Building Cost Index's annual escalation rate fell to 1.2% from 1.5% last month, due mostly to a 0.1% decline in materials costs.

## Materials Cost Index

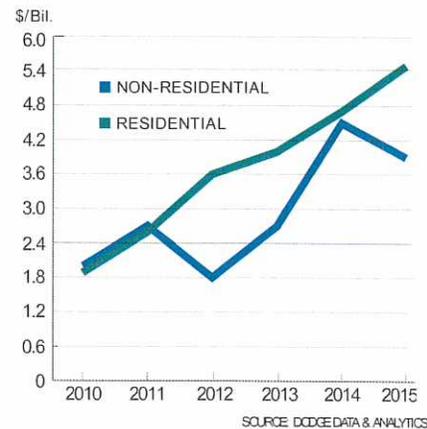
**-0.1%**  
JAN 2016

MONTHLY INFLATION RATE

1913=100	INDEX VALUE	MONTH	YEAR
MATERIALS COST	3035.31	-0.1%	-1.2%
CEMENT\$/TON	114.50	-0.2%	-1.3%
STEEL\$/CWT	49.50	-0.2%	-2.2%
LUMBER\$/MBF	473.76	-0.1%	+1.4%

The steel component of the Materials Cost Index declined for the third consecutive month.

Construction starts in the Seattle metro area are estimated to have increased 2.5%, to \$9.4 billion, in 2015, according to Dodge Data & Analytics. The largest annual gain would be 17.8% for residential building construction. Dodge estimates the non-residential building market will slip 13.2% in 2015. Due to a computer malfunction, ENR is publishing the 1967=100 base year indexes for common labor, skilled labor and materials in place of the 1913=100 index.



## ENR's Cost Indexes by City

	CONSTRUCTION COST		BUILDING COST		COMMON LABOR		SKILLED LABOR		MATERIALS	
	JAN 16 1913	% CHG YEAR	JAN 16 1913	% CHG YEAR	JAN 16 1967	% CHG YEAR	JAN 16 1967	% CHG YEAR	JAN 16 1967	% CHG YEAR
ATLANTA	6249.51	+0.1	4110.59	+0.2	805.72	0.0	677.82	0.0	694.45	+0.4
BALTIMORE	6922.34	-1.9	4736.23	-3.7	902.87	+2.4	815.04	+2.6	651.03	-11.8
BIRMINGHAM	7034.17	+1.6	4285.92	+0.9	950.37	+2.4	782.27	+2.1	644.68	-0.6
BOSTON	13180.53	+5.7	6884.75	+1.9	1440.69	+6.9	1292.34	+3.1	626.57	-1.3
CHICAGO	14773.88	+2.7	6937.51	+1.4	1481.38	+3.1	1242.24	+1.9	562.73	+0.1
CINCINNATI	8779.36	-1.5	4729.20	-2.8	881.67	0.0	789.38	0.0	649.27	-6.7
CLEVELAND	11895.69	+0.1	5503.27	+0.5	1062.42	0.0	886.15	+0.4	624.75	+0.7
DALLAS	5555.06	+0.6	4168.57	+0.7	727.89	0.0	716.63	0.0	622.67	+1.7
DENVER	7071.66	-0.1	4443.86	-0.2	786.97	0.0	730.54	0.0	633.25	-0.3
DETROIT	10951.51	+2.6	5792.67	+2.4	975.48	+3.1	941.72	+3.7	577.51	-0.1
KANSAS CITY	10976.74	+0.7	5802.79	+1.7	1259.83	+1.0	1177.55	+3.1	600.61	-0.9
LOS ANGELES	11115.28	+1.1	5823.91	+1.5	1038.57	+1.5	993.62	+2.8	625.41	-1.1
MINNEAPOLIS	11987.10	+1.9	5702.60	+2.4	1245.19	+2.0	1084.28	+2.7	609.62	+1.8
NEW ORLEANS	5861.55	+0.1	3950.60	+0.4	725.09	0.0	645.29	+0.7	658.91	+0.2
NEW YORK CITY	16253.80	-0.4	8631.13	+6.9	1278.75	0.0	1300.00	+10.3	686.47	-3.5
PHILADELPHIA	12178.61	+3.7	6579.81	+1.5	1367.20	+4.2	1174.37	+1.7	697.02	+1.2
PITTSBURGH	8669.66	-0.4	5320.60	-0.6	882.26	0.0	874.66	0.0	553.12	-1.7
ST. LOUIS	11645.01	+11.7	5702.70	+1.4	1056.28	+14.2	959.79	+1.9	664.30	+0.5
SAN FRANCISCO	11153.41	-0.2	6387.49	-0.3	956.17	0.0	1013.05	0.0	626.93	-1.1
SEATTLE	10396.13	+0.1	5740.93	+2.7	979.08	0.0	1037.06	+3.9	725.45	+0.4

\* Abbreviations used in the "Unit" Columnn:

\*\* Based on ITE land use code for single family dwelling

T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area

T.S.F.G.L.A. = Thousand Square Feet Gross Leasable Area

V.F.P. = Vehicle Fueling Position

**A. Transportation SDCs**

City of Hubbard Schedule of Proposed Transportation System Development Charges Transportation SDC Update - 2016					
Percentage Increase from prior year =					0.1%
ITE LAND USE CODE/CATEGORY	IMPROVEMENT FEE		ADMIN FEE	TOTAL	
	MOTOR VEHICLE SDC	NON-MOTOR VEHICLE SDC	COMPLIANCE COST	TRANSPORTATION SDC	UNIT
210 Dwelling Unit **	587	2,729	168	3,484	/dwelling unit
520 Elementary School (Public)	13	9	5	26	/student
560 Church	315	118	37	470	/T.S.F.G.F.A.
565 Day Care Center/Preschool	44	31	17	92	/student
630 Clinic	2,170	576	125	2,871	/T.S.F.G.F.A.
814 Specialty Retail Center	814	272	75	1,161	/T.S.F.G.L.A.
820 Shopping Center	788	264	72	1,125	/T.S.F.G.L.A.
850 Supermarket	2,731	914	251	3,895	/T.S.F.G.F.A.
853 Convenience Market	3,003	2,011	1,102	6,116	/T.S.F.G.F.A.
880 Pharmacy/Drugstore	1,917	641	176	2,734	/T.S.F.G.F.A.
911 Bank/Savings: Walk In	3,461	1,158	317	4,937	/T.S.F.G.F.A.
931 Quality Restaurant	758	426	197	1,381	/T.S.F.G.F.A.
934 Fast Foot Restaurant	3,155	1,774	817	5,746	/T.S.F.G.F.A.
942 Automobile Care Center	737	247	68	1,052	/T.S.F.G.L.A.
944 Gasoline/Service Station	756	507	278	1,541	/V.F.P.
710 General Office Building	418	117	28	563	/T.S.F.G.F.A.
720 Medical-DentalOffice Building	1,371	385	88	1,845	/T.S.F.G.F.A.
110 General Light Industrial	264	75	17	356	/T.S.F.G.F.A.
120 General Heavy Industrial	57	16	3	77	/T.S.F.G.F.A.
150 Warehouse	188	53	13	254	/T.S.F.G.F.A.
151 Mini-warehouse	148	41	9	199	/T.S.F.G.F.A.

**B. Water SDCs**

City of Hubbard Schedule of Proposed Water System Development Charges Water SDC Update - 2016						
Percentage Increase from prior year =					0.1%	
Meter Size	AWWA Rated Flow (GPM)*	Flow Factor Equivalence	Proposed Schedule of Water SDCs			Total
			Reimbursement	Improvement	Administration	
0.625 x 0.75 inch	10	1	2,218	346	281	2,844
			0	0	0	
1.00 inch	25	2.5	5,546	865	701	7,112
1.50 inch	50	5	11,092	1,729	1,401	14,223
2.00 inch	80	8	17,748	2,767	2,242	22,757
3.00 inch	175	17.5	38,823	6,054	4,904	49,782
4.00 inch	300	30	66,554	10,377	8,408	85,339
6.00 inch	625	62.5	138,655	21,619	17,518	177,791
8.00 inch	900	90	199,661	31,133	25,226	256,020
10.00 inch	1450	145	321,677	50,158	40,641	412,476
12.00 inch	2160	216	479,189	74,720	60,538	614,447

\* Recommended maximum rate for continuous operations; per American Water Works Association standards effective January 1, 2003 for cold water meters- displacement type, bronze main case. ANSI approval October 11, 2002. American Water Works Association ANSI/AWWA C700-02 (Revision of ANSI/AWWA C700-95).

**C. Wastewater SDCs**

City of Hubbard Schedule of Proposed Wastewater System Development Charges Wastewater SDC Update - 2016						
Percentage Increase from prior year =					0.1%	
Meter Size	AWWA Rated Flow (GPM)*	Flow Factor Equivalence	Proposed Schedule of Water SDCs			Total
			Reimbursement	Improvement	Administration	
0.625 x 0.75 inch	10	1.00	2,976	1,061	278	4,315
			0	0	0	0
1.00 inch	25	2.50	7,438	2,653	696	10,787
1.50 inch	50	5.00	14,877	5,306	1,392	21,576
2.00 inch	80	8.00	23,802	8,491	2,228	34,521
3.00 inch	175	17.50	52,068	18,572	4,873	75,513
4.00 inch	300	30.00	89,261	31,838	8,354	129,453
6.00 inch	625	62.50	185,959	66,332	17,403	269,693
8.00 inch	900	90.00	267,782	95,516	25,060	388,358
10.00 inch	1450	145.00	431,426	153,887	40,374	625,688
12.00 inch	2160	216.00	642,677	229,239	60,143	932,060

\* Recommended maximum rate for continuous operations; per American Water Works Association standards effective January 1, 2003 for cold water meters- displacement type, bronze main case. ANSI approval October 11, 2002. American Water Works

D. Parks SDCs

City of Hubbard					
Schedule of Proposed Parks System Development Charges					
Parks SDC Update - 2016					
Percentage Increase from prior year =					0.1%
Residential Housing Type	Number of Dwelling Units	Proposed Schedule of Wastewater SDCs			
		Reimbursement	Improvement	Administration	Total
Detached single family	1	478	3,064	148	3,691
Mobil/manufactured home	1	478	3,064	148	3,691
Duplex	2	958	6,127	296	7,382
Tri-plex	3	1,437	9,192	445	11,073
Four-plex	4	1,916	12,256	592	14,764
Apartment complex	*	*	*	*	*
Condominium complex	*	*	*	*	*
Retirement/Assisted Living complex	*	*	*	*	*

\* Multiply the number of dwelling units by the corresponding detached single family fee component

**RESOLUTION NO. 604-2016**

**A RESOLUTION REVISING THE TRANSPORTATION UTILITY FEES FOR THE CITY OF HUBBARD AND REPEALING RESOLUTION NO. 588-2015.**

**Findings**

- A. Section 13.45.020 of the Hubbard Municipal Code provides for transportation utility fees be established by resolution of the City Council; and
- B. It is necessary from time to time to amend transportation utility fees to ensure that sufficient resources are available to properly maintain streets under the jurisdiction of the City of Hubbard.

**Based on the findings, the City of Hubbard ordains as follows:**

- 1. The City of Hubbard does adopt a new transportation utility fee schedule as set forth in Exhibit "A" attached hereto and by this reference incorporated herein and entitled City of Hubbard Transportation Utility Fees.
- 2. Increase based on Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index (CCI) from January 2015 to January 2016 of 0.1%.
- 3. Resolution No. 588-2015 is hereby repealed.
- 4. This resolution shall be effective June 16<sup>th</sup> 2016.

**ADOPTED BY THE CITY COUNCIL** this 8th day of March 2016.

**APPROVED:**

\_\_\_\_\_  
Jim Yonally, Mayor

**ATTEST:**

\_\_\_\_\_  
Vickie L. Nogle, MMC  
Director of Administration/City Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Berry, Elsner, & Hammond, City Attorney

**Exhibit "A"**  
**City of Hubbard Transportation Utility Fees**

Effective June 16, 2016

(Increase based on ENR NW Construction Cost Index January 2015 – January 2016 of 0.1%)

1. Residential:
  - A. Single Family \$5.73 Per month
  - B. Multiple Family \$5.73 Per month per dwelling unit
  - C. Mobile Home Park \$5.73 Per month per dwelling unit
  
2. Non-residential:
  - A. Churches/Private Clubs \$5.73 Per month
  - B. Commercial - Low (0 - 2.5 vt) \$1.28 Per month per 1,000 sq. ft.  
 Ex: Offices  
 Barber/Beauty Shops  
 Furniture Sales
  - C. Commercial - Medium (2.5 - 19 vt) \$2.56 Per month per 1,000 sq.ft.  
 Ex: Retail Sales  
 Cleaners/Laundromats  
 Auto Repair Shops  
 Banks without drive-up window  
 Restaurants/Taverns/Lounges
  - D. Commercial - High (19+ vt) \$5.10 Per month per 1,000 sq. ft.  
 Ex: Service Stations  
 Convenience Stores with gas pumps  
 Banks with drive-up window  
 Restaurants with drive-up window
  - E. Warehouse/Storage  
 (0 to 20,000 sq. ft.) \$0.52 Per month per 1,000 sq. ft.  
 (>20,000 sq.ft.) \$0.31 Per month per 1,000 sq. ft.
  - F. Manufacturing/Industrial/Wholesale  
 (0 to 20,000 sq. ft.) \$0.72 Per month per 1,000 sq. ft.  
 (>20,000 sq.ft.) \$0.52 Per month per 1,000 sq. ft.
  
3. The minimum monthly fee for any commercial account is \$5.73 per business.

Note: Area calculations are applied to the square footage of structures used for commercial purposes.

vt = vehicle trips per 1,000 square feet based on the ITE Manual.

**RESOLUTION NO. 588-2015**

**A RESOLUTION REVISING THE TRANSPORTATION UTILITY FEES FOR THE CITY OF HUBBARD AND REPEALING RESOLUTION NO. 564-2014.**

**WHEREAS**, Section 13.45.020 of the Hubbard Municipal Code provides for transportation utility fees be established by resolution of the City Council; and

**WHEREAS**, it is necessary from time to time to amend transportation utility fees to ensure that sufficient resources are available to properly maintain streets under the jurisdiction of the City of Hubbard,  
**NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF HUBBARD RESOLVES AS FOLLOWS:**

**Section 1:** The City of Hubbard does adopt a new transportation utility fee schedule as set forth in Exhibit "A" attached hereto and by this reference incorporated herein and entitled City of Hubbard Transportation Utility Fees.

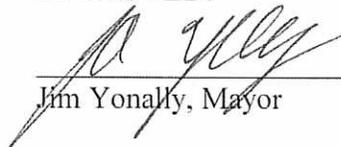
**Section 2:** Increase based on Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index (CCI) from January 2014 to January 2015 of 2.5%.

**Section 3:** Resolution No. 564-2014 is hereby repealed.

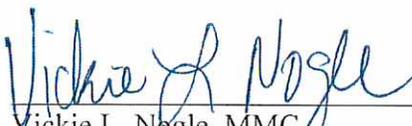
**Section 4:** This resolution shall be effective June 16<sup>th</sup> 2015.

**ADOPTED BY THE CITY COUNCIL** this 10th day of February 2015.

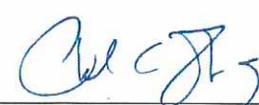
**APPROVED:**

  
\_\_\_\_\_  
Jim Yonally, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Vickie L. Nogle, MMC  
Director of Administration/City Recorder

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Berry, Elsner, & Hammond, City Attorney

**Exhibit "A"**  
**City of Hubbard Transportation Utility Fees**

Effective June 16, 2015

(Increase based on ENR NW Construction Cost Index January 2014 – January 2015 of 2.5%)

1. Residential:
  - A. Single Family \$5.73 Per month
  - B. Multiple Family \$5.73 Per month per dwelling unit
  - C. Mobile Home Park \$5.73 Per month per dwelling unit
  
2. Non-residential:
  - A. Churches/Private Clubs \$5.73 Per month
  - B. Commercial - Low (0 - 2.5 vt) \$1.28 Per month per 1,000 sq. ft.  
 Ex: Offices  
 Barber/Beauty Shops  
 Furniture Sales
  - C. Commercial - Medium (2.5 - 19 vt) \$2.56 Per month per 1,000 sq.ft.  
 Ex: Retail Sales  
 Cleaners/Laundromats  
 Auto Repair Shops  
 Banks without drive-up window  
 Restaurants/Taverns/Lounges
  - D. Commercial - High (19+ vt) \$5.10 Per month per 1,000 sq. ft.  
 Ex: Service Stations  
 Convenience Stores with gas pumps  
 Banks with drive-up window  
 Restaurants with drive-up window
  - E. Warehouse/Storage  
 (0 to 20,000 sq. ft.) \$0.52 Per month per 1,000 sq. ft.  
 (>20,000 sq.ft.) \$0.31 Per month per 1,000 sq. ft.
  - F. Manufacturing/Industrial/Wholesale  
 (0 to 20,000 sq. ft.) \$0.72 Per month per 1,000 sq. ft.  
 (>20,000 sq.ft.) \$0.52 Per month per 1,000 sq. ft.
  
3. The minimum monthly fee for any commercial account is \$5.73 per business.

Note: Area calculations are applied to the square footage of structures used for commercial purposes.

vt = vehicle trips per 1,000 square feet based on the ITE Manual.

Check Number	Check Issue Date	Name	Amount
6543	02/02/2016	Star 21 INC	60.00- V
6545	02/02/2016	Star 21 INC	60.00
6546	02/09/2016	American Extermination Plus	92.00
6547	02/09/2016	BlackPoint IT Services	500.00
6548	02/09/2016	Caselle	1,813.00
6549	02/09/2016	Coukoulis, Lori	440.00
6550	02/09/2016	Dahl, Letitia	30.00
6551	02/09/2016	Davison Auto Parts	184.37
6552	02/09/2016	DMV - State Of Oregon	11.50
6553	02/09/2016	Dryden Electric, Inc.	147.45
6554	02/09/2016	Flag Factory NW	141.75
6555	02/09/2016	Great Western Sweeping, Inc.	872.25
6556	02/09/2016	GW Hardware Center	215.83
6557	02/09/2016	Hach Company	125.23
6558	02/09/2016	Hattenhauer Energy Co	258.63
6559	02/09/2016	HD Fowler Company	803.02
6560	02/09/2016	Hidalgo, Brenda	115.00
6561	02/09/2016	Hillside Church	50.00
6562	02/09/2016	Integra Telecom	674.61
6563	02/09/2016	John Deer Financial	68.38
6564	02/09/2016	Marion County Bldg Inspection	4,448.30
6565	02/09/2016	Marion County Treasury Dept	1,759.98
6566	02/09/2016	Net Assets	40.00
6567	02/09/2016	North Marion SD #15	2,016.96
6568	02/09/2016	OACA	50.00
6569	02/09/2016	Office Depot	248.79
6570	02/09/2016	Oregon Dept of Revenue	1,911.71
6571	02/09/2016	Pacific Office Automation	294.72
6572	02/09/2016	PGE- Portland General Electric	7,285.45
6573	02/09/2016	Pitney Bowes Inc	97.99
6574	02/09/2016	Portland Tribune	35.28
6575	02/09/2016	Profectus, INC.	317.30
6576	02/09/2016	Republic Services	287.60
6577	02/09/2016	Rudy, Melvin	40.00
6578	02/09/2016	Silverton Hospital	75.00
6579	02/09/2016	Verizon Wireless	382.43
6580	02/09/2016	Walmart Community	80.59
6581	02/09/2016	Waste Connections	50.94
6582	02/09/2016	Waterlab Corporation	322.50
6583	02/09/2016	Westerberg Drilling Inc	1,875.00
6586	02/24/2016	AKS Engineering & Forestry, LLC	291.25
6587	02/24/2016	Beery Elsner & Hammond, LLP	956.49
6588	02/24/2016	BlackPoint IT Services	549.00
6589	02/24/2016	CIT	219.11
6590	02/24/2016	ELAN Corporate Payment Systems	1,075.41
6591	02/24/2016	Hattenhauer Energy Co	147.13
6592	02/24/2016	Heather Brown	40.00
6593	02/24/2016	Hubbard Chevrolet, Inc.	59.15
6594	02/24/2016	Ken's Auto Body, Inc	27.75
6595	02/24/2016	Lexipol LLC	2,475.00
6596	02/24/2016	Metro Overhead Door	120.00
6597	02/24/2016	Mid-Willamette Valley	1,946.26
6598	02/24/2016	North Marion SD #15	7,073.28
6599	02/24/2016	NW Natural Gas	508.28
6600	02/24/2016	OACA	175.00
6601	02/24/2016	OACP	275.00
6602	02/24/2016	OAWU	394.42

Check Number	Check Issue Date	Name	Amount
6603	02/24/2016	Office Depot	92.84
6604	02/24/2016	Pacific Office Automation	126.71
6605	02/24/2016	PGE- Portland General Electric	2,559.30
6606	02/24/2016	Purchase Power	32.83
6607	02/24/2016	Shell Fleet Plus	869.93
6608	02/24/2016	Trilliant Property Management	17.49
6609	02/24/2016	Valdez, Joseph	40.00
6610	02/24/2016	Walmart Community	192.48
Grand Totals:			<u>48,427.67</u>