

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Adopting a Business)
Registration Program; and Amending)
Chapter 5.60 of the Monmouth City)
Code)

ORDINANCE 1368

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions relating to business registration are hereby adopted, and added to and made a part of Chapter 5.60 of the Monmouth City Code:

BUSINESS REGISTRATION

5.60.010 Purpose and scope.

(1) Sections 5.60.010 through 5.60.024, are enacted to help assure the public health and welfare as well as compliance with the Monmouth City Code and Monmouth Zoning Ordinance.

(2) The registration fees authorized by this chapter shall be independent and separate from any license or permit fees, now or hereafter, required of any person to engage in any business by the Monmouth City Council or other governmental or regulatory body. All such businesses remain subject to the regulatory provisions of any city ordinances or other regulations, now or hereafter, in effect and the business engaged therein is liable for the payment of any license or other fees established or authorized.

(3) 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 regulation by virtue of the Constitutions or laws either of the United States or Oregon.

(4) The levy or collection of a registration fee upon any business shall not be construed to be a license or permit to the person or business engaged in such business to engage in activity or business to the extent it is deemed to be unlawful under state or federal law, or any city ordinance.

5.60.012 Definitions.

For the purposes of sections 5.60.010 through 5.60.024:

(1) "Business" means:

(a) A profession, trade, service, occupation, and every other kind of entity or activity carried on for profit or livelihood; and

(b) A charitable, religious, educational, civic or eleemosynary entity or activity; that is operated or conducted by a person in or on any structure, building, lot, or other premises, located within the city limits.

(2) "License" or "business license" means the document issued by the city granting the privilege to carry on a particular business or pursue a certain occupation within the city and which is separate from the business registration provisions contained in this chapter.

(3) "Owner" means the person having a controlling interest in a business, including a shareholder of a corporation, member of a limited liability company, partner, limited partner, trustee of a business trust or other similar status. For the purpose of this subsection, "controlling interest" means a capital interest of 25 percent or greater in the business.

(4) "Person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on any business in the city.

(5) "Transfer" includes a transfer of greater than a one-half ownership in a business, by sale, gift, inheritance, foreclosure of a security interest or otherwise, but does not include a change in business location.

5.60.014 Registration and payment required – Exemptions – Registration year.

(1) Except as provided in subsections (2) and (3) of this section, every business, as defined in section 5.60.012, must file a business registration on a form prescribed by the City Manager or the City Manager's designee and pay the required fee as may be established by resolution of the City Council.

(2) A business or activity described in this subsection must file a business registration, but shall not be required to pay a registration fee. Businesses and activities qualified for a fee exemption under this subsection are:

(a) Charitable, religious, educational, civic or eleemosynary organizations that are exempt from taxation under the Internal Revenue Code;

(b) Businesses franchised by and paying a franchise fee to the city;

(c) Businesses exempt from the payment of municipal license fees pursuant to state or federal law;

(3) The following business or activities shall be exempt from any requirement to register or pay a registration fee under the provisions of Sections 5.60.010 through 5.60.024:

(a) Fairs, festivals, and public entertainment events operated by charitable, religious, educational, civic or eleemosynary organizations that are exempt from taxation under the Internal Revenue Code;

(b) Home based businesses and occupations as described in Monmouth Zoning Ordinance chapter 18.30;

(c) Contractors, consultants or others who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the city limits;

d) Suppliers and those engaged solely in wholesale sales to local businesses;

(e) Any person involved in the home delivery of newspapers, groceries, or other goods purchased or provided outside the city;

(f) Those other businesses or business related activities that, due to their minimal activities may be declared exempt by the City Manager, or their designee; and

(g) Federal, state, and local government entities and agencies.

(4) In the event of a transfer of a business, or if a business changes the physical location of the business within the city, the business shall file a transfer of business registration or change of location within 30 days after such transfer or change of location and pay the fee established by resolution of the city council, unless exempt under Section 5.60.014.

5.60.016 Owner and Agent responsibilities.

The individual owners and the individuals in charge of operating or managing a business for which registration is required shall be jointly and severally liable with the business for the registration of the business and payment of any registration fee required under section 5.60.014, and for any penalties imposed for failure to register or pay the fee or to comply with the provisions of this chapter.

5.60.18 Multiple businesses at same location- Branch offices.

(1) If more than one business is carried on at the same location and is operated

under the same ownership, but is operated under more than one business name, one registration may be filed, provided that each business is clearly identified and all required information is included in the single registration.

(2) Each branch establishment or separate location of a business shall, for the purposes of sections 5.60.010 through 5.60.024, be treated as a separate business subject to the registration and fee, if any, required in this chapter. Warehouses used incidentally with a registered business shall not be deemed to be a separate place of business or branch establishment.

5.60.020 Registration procedure

(1) All business registrations, transfer of registrations and changes of location shall be processed by the City Manager, or the City Manager's designee.

(2) The business registration, transfer of registration, and change of location required under section 5.60.014 shall contain such information as may be required by the City Manager to determine the ownership, location, activities and management of the business, including the storage of dangerous or hazardous materials, and any other information required by the City Manager.

(3) Business registrations shall remain on file with the Monmouth City Recorder and data shall be provided to the Monmouth Police Department.

5.60.022 Incomplete or false registration information - Penalty for delinquent filing.

(1) It shall be unlawful for any person to fail, refuse or neglect to comply with the provisions of this chapter, or to provide any false information in a business registration, transfer of registration or registration of change of physical location.

(2) In the event a business files a registration or transfer or change of physical location, or fails to pay the required fee for such filing, after the due date for such filing, but within 60 days after the due date, the business shall pay a penalty in the amount of \$25. The penalty provided under this subsection shall be in addition to any registration fee the business may be required to pay.

(3) In the event a business fails to file a registration or transfer or change of physical location within 60 days after the due date, or fails to pay the required fee for such filing, such failure to file or pay the required fee shall be a civil infraction, and each day that the delinquency in filing or payment continues shall be deemed a separate infraction.

(4) Nothing contained in this chapter shall be construed as vesting any right to the amount of any license or other or additional taxes or fees, and the fees provided for in this chapter may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the city.

5.60.024 Violation does not exempt payment of fee.

The conviction of any person for violation of any of the provisions of sections 5.60.010 through 5.60.024, shall not relieve such person from paying any fee or penalty for which such person is liable. Nor shall the payment of any such fee prevent any prosecution for the violation of any of the provisions of this chapter.

Section 2. This ordinance shall take effect January 1, 2017, and shall apply to businesses that commence operation, transfer ownership or change location on and after the effective date.

Read for the first time: October 4, 2016
Read for the second time: October 20, 2016
Adopted by the City Council: October 20, 2016
Approved by the Mayor: October 20, 2016

ATTEST:

/s/ _____
John E. D. Oberst, Mayor

/s/ _____
Phyllis L. Bolman, City Recorder