

Manzanita Ordinances

AN ORDINANCE FOR LICENSES ON TRADES, PROFESSIONS, PERSONS AND BUSINESSES; CALLING FOR THE PURPOSE OF PROVIDING REVENUE AND REGULATION; ESTABLISHING THE METHOD OF ISSUING LICENSES; PROVIDING PENALTIES FOR VIOLATION AND REPEALING ORDINANCE NO. 88-2

ORDINANCE NO. 94-8

Section 1. Applicability. No person whose income is based solely on hourly, daily, weekly, monthly or annual wage or salary, for the purpose of this ordinance, is deemed a person transacting or carrying on any business in the city; and, it is the intention that all license fees levied herein shall be borne by the employer for the privilege of doing business in the city and for the regulation of such business.

Section 2. Definitions. Except as provided under Section 5, the following terms shall apply:

- (a) "Person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals not considered an employee, transacting and carrying on business in the city.
- (b) "Business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit.

Section 3. This ordinance is enacted for the purpose of providing revenue for the city for general municipal purposes.

Section 4. The levy or collection of a license fee shall not be construed to be a license or permit to engage in any business which is unlawful, illegal or prohibited by the laws of the United States of America, the State of Oregon, the County of Tillamook or ordinances of the city.

Section 5. Exceptions. The following activities are exempt from the provisions of this ordinance:

- (a) Wholesale deliveries to licensed business from operations based outside the limits of the city.
- (b) Rental of dwellings for either short or long term occupancy.
- (c) Public utilities or other providers of services which are making payments under a city franchise agreement.
- (d) Casual labor activities performed by minors or others including but not limited to lawn mowing and child care.
- (e) Any activity conducted solely for charitable, religious, community, or public purpose.

Section 6. License Fee. The non-refundable annual license fee per calendar year is:

- (a) \$75.00 for each business which has one or two employees;
- (b) \$100.00 for each business which has three to five employees; and,
- (c) \$125.00 for each business which has six or more employees. For purposes of computing the number of employees, "employees" includes owners/managers plus other workers, whether compensated or not, present at one time during peak season.
- (d) The license fee for any business license issued after July 1 of any calendar year shall be one-half of the annual license fee for the balance of the calendar year.
- (e) A late filing charge of \$15.00 for each month in which the business is operated prior to the filing of the application shall be assessed, and shall be tendered with the application.
- (f) The application for the renewal of a license for the ensuing year shall be made before the first of the calendar year in which the license is to be effective.

(Section 6 amended by Ordinance 05-05 adopted by City Council October 5, 2005.)

Section 7. Application Process. The application for a license shall be on a form approved and provided by the city. The completed application may be delivered in person, with the required payment to the city. The license shall be issued by the City Manager. The application may be denied if it the structure in which the business is located is not in compliance with state, county or city ordinances or fire codes, or if the application is not complete. The application shall be signed by the owner, general partner or authorized agent of the owner of the business.

Section 8. Denial of License Application. The denial of any application shall be made in writing, shall specify the reasons for the denial and shall be signed by the City Manager. An appeal may be taken to the City Council. The appeal shall be in writing, shall contain a Statement of the reason or reasons for which it is claimed the application should be granted, and shall be mailed or delivered to the City Council at City Hall not more than 30 days following the date of the denial of the application.

Section 9. Transfer of License. The license shall be the property of the applicant, and may not be assigned or transferred except that the prior approval of the City Council shall have first been obtained.

Section 10. Penalties. Any business which shall be conducted in the city without having first obtained the license as required by this ordinance shall be subject to a fine of not to exceed \$500.00 and, in addition, the city may, by appropriate legal proceeding, enjoin the continued operation of the business.

Section 11. Severability. If any portion of this ordinance shall be held to be invalid for any reason, the same shall be stricken from the ordinance and the remainder shall be regarded as having been adopted by the Council, and shall remain enforceable.

Section 12. Repeal. Ordinance No. 88-2, passed November 9, 1998 us hereby repealed.

Passed by the City Council October 5, 1994 and signed by the Mayor October 7, 1994.