



## **COUNCIL ORDINANCE No. 24-03**

**AN ORDINANCE OF THE CITY OF MANZANITA, OREGON, REQUIRING A LICENSE TO CONDUCT BUSINESS WITHIN THE CITY; ESTABLISHING A PROCESS AND FEE TO OBTAIN A BUSINESS LICENSE; AND, RESCINDING ORDINANCE NO. 98-4 AND ORDINANCE NO. 05-05.**

**WHEREAS**, the Manzanita City Council desires to establish a business license for the purpose of providing revenue for the City for general municipal purposes, and for the necessary expenses required to administer the city's business license program;

**WHEREAS**, the Manzanita City Council desires to establish a business license for the purpose of providing revenue for the City for general municipal purposes;

**Now, Therefore, the City of Manzanita does ordain as follows:**

**Section 1.** Definitions. Except as provided under Section 10, the following terms shall apply:

(a) "Applicant" means the owner, general partner or authorized agent of the owner of the business applying for a license.

(b) "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.

(c) "Business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit.

**Section 2.** Independent Licensing Requirement. The license fees levied by this chapter shall be independent and separate of any license or permit fees now or hereafter required of any person to engage in any business by any city ordinance regulating any business herein required to be licensed (e.g. Short Term Rentals).

**Section 3.** Unlawful Activities. 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 4.** Fees. The City Council is hereby authorized and empowered to hereafter adopt, place in force and effect by resolution fee schedules relating to the business license and business license application as the City Council may deem to be in the interest of the City.

**Section 5.** Application Process. Applicants shall apply for a business license using a form approved and provided by the City. The completed application may be delivered in person, with the required fees. The license shall be issued by the City Manager. The application may be denied if the structure in which the business is located is not in compliance with state, county or city ordinances or fire codes, if the proposed business activity is deemed unlawful, 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 6.** Denial of License Application. The City Manager or designee shall issue a denial of any application in writing, and shall specify the reasons for the denial. An applicant may appeal 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 7.** Name Changes. If a business changes only its name, but continues to be owned by the same persons or entity, the name change shall be made upon the City business license records for an administrative fee to be determined by the City.

**Section 8.** Ownership Change. If ownership of a business changes, though continuing with a same or different name, the new owners shall obtain a new business license for the business.

**Section 9.** 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 10.** 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.
- (f) Activity conducted solely as an employee. 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 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.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Kathryn Stock, Mayor

ATTEST:

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Leila Aman, City Manager/ City  
Recorder