



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3833-AMENDING CHAPTER SEVEN OF B.C. RELATING TO LICENSES,
PERMITS AND BUSINESS REGULATION, ADDING NEW PROVISIONS AND REPEALING
SECTIONS 7.01.005, 7.01.035, 7.01.040, 7.01.050, 7.04.005, 7.04.015,
7.04.020, 7.04.025, 7.04.030, 7.04.035, 7.04.040, 7.04.045, 7.04.050,
7.04.055, 7.04.060, 7.04.065, AND 7.04.075

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CODE

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OF THE BEAVERTON CODE
RELATING TO LICENSES, PERMITS AND BUSINESS REGULATION,
ADDING NEW PROVISIONS AND REPEALING SECTIONS
7.01.005, 7.01.035, 7.01.040, 7.01.050, 7.04.005, 7.04.015, 7.04.020,
7.04.025, 7.04.030, 7.04.035, 7.04.040, 7.04.045, 7.04.050, 7.04.055,
7.04.060, 7.04.065, AND 7.04.075**

WHEREAS, the Council by its Resolution No. 3143 directed a review of the City's ordinances relating to business licenses; and

WHEREAS, The Council finds that persons who do business from door-to-door should be no less identifiable than a business operating from a fixed location and should be restricted to daylight and general working hours of operation so as to preserve the public peace, safety and welfare; and

WHEREAS, The Council now finds that City ordinances relating to business licenses should be amended to reflect current statutory and decisional law relating to regulation of business activity, to make the City's administration of those regulations more efficient and to generate more appropriate revenue for use for general public purposes; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Section 7.01.010 is amended to read:

"The business license fee imposed by this Ordinance is for revenue purposes only. The fee shall be in addition to and not in lieu of any other license or permit fee, charge or tax required under any other Code section or ordinance of the City. The business license required by this ordinance shall not be construed to constitute a permit to engage in any activity prohibited by law nor a waiver of any other regulatory or license requirement imposed by any other provision of City ordinance or federal, state, regional or local law."

Section 2. Beaverton Code Section 7.01.015 is amended to read:

"7.01.015 Definitions. For the purpose of this ordinance, the following mean:

Business - An enterprise, establishment, store, shop, activity profession or undertaking of any nature conducted, either directly or indirectly, for private profit or benefit, including the holding out of Premises for Rent. "Business" does not include the non-commercial on-premises sale of used household goods by a person who resides on the premises (a yard or garage sale) so long as the sale is conducted on no more than six days in any one year period.

Doing Business - An act or series of acts performed in the course or pursuit of a business activity on more than one occasion or day in a calendar quarter and not as a one-time or isolated activity or event.

Not-for-Profit - An entity that exists to accomplish some religious, charitable, humanitarian or educational purpose and for whom the United States and the State of Oregon have granted an exemption from income tax on that basis.

Premises for Rent - A building, portion of a building, or a group of buildings within the City containing three or more dwelling units that are rented, leased, let or made available for compensation for sleeping or living purposes. The term "Premises for Rent" includes a hotel or motel, automobile or tourist court, rental or boarding house, and mobile home or trailer park. In the case of mobile homes or trailer parks, the term dwelling unit means space or stall. A dwelling unit occupied by the owner of Premises for Rent shall not be included in the dwelling unit count for computing the business license fee for that location.

Section 3. Beaverton Code Section 7.01.020 is amended to read as follows:

"A. No person shall do business within the City without a current, valid City business license.

"B. No person shall do business within the City as the employee, agent or representative of another person or entity unless either the principal or the employee, agent or representative has a current, valid City license for that business, no matter where the principal offices of that business are situate.

"C. This section shall not apply to a not-for-profit entity as defined in this Ordinance nor to a person who is expressly exempt from the business license tax imposed by this Ordinance under a lawful provision of federal, state, county, regional or other local law; provided, that a person who claims exemption from the business license tax imposed by this Ordinance shall show proof of such exemption satisfactory to the City Attorney upon the City's request for same."

Section 4. Beaverton Code Section 7.01.025 is amended to read:

"A. A person who does business from more than one physical location and under a different business name or as a different business entity at the separate location shall obtain a separate license for each such location, name and entity.

"B. A person who does business as a franchisee of another business entity shall obtain and hold a current, valid City business license

for each of the physical locations at which the person does business under the franchise, separate and additional to the license, if any, required of the franchisor."

Section 5. Beaverton Code Section 7.01.030 is amended to read:

"A. An person who seeks a City business license shall submit an annual application for same on a form provided by the City. The application shall show, among other things, the corporate, or trade, or registered name of the business, the complete address and telephone number of the principal office of the business, the name of the owner(s) or principal(s), and the state of incorporation if the business is a corporation. On the basis of that application the City shall compute the annual fee for that license according to the schedule of fees that the City Council shall establish from time to time by resolution.

"B. The business license fee shall be computed according to the number of persons or full-time equivalents engaged in the business within the City during the calendar year or the number of dwelling units occupied or available in the City in Premises for Rent, whichever is applicable, or by any other method as the Council may determine by resolution. The applicant shall warrant by his/her signature that all representations made on the application form are the truth to the best of his/her knowledge. An intentional misrepresentation on the application shall constitute a violation of this ordinance.

"C. All such applications shall be submitted on or before January 1 of each calendar year or before the first day in any calendar year that the person first commences his or her business in the City, whichever is later. A license shall be valid until December 31st of the current calendar year. The business license fee shall be prorated to the beginning of the calendar year semi-annual period in which the applicant first does business in the City.

Section 6. Beaverton Code Section 7.01.045 is amended to read:

"A. Upon receipt of a signed and completed application for a business license the City shall inform the applicant of the license fee that is due and inform the applicant of any information known to the City and not shown or different from the application that the City used in computation of the fee. The business license fee determined by the City shall be due and payable by the applicant no later than February 1st of the calendar year for which the license is issued or no later than 10 days after the date that the applicant first does business in that calendar year, whichever is later.

"B. The City shall issue a written receipt for a business licenses fee that is paid in full. The receipt shall constitute a business license and shall be public notice that the person named thereon is licensed to do business in the City for the calendar year shown. A person who is required by this Ordinance to have a business license shall cause the receipt to be prominently posted in a place available to the public at the principal location or office of the business for which the license is issued."

Section 7. Beaverton Code Section 7.01.060 is amended to read:

"7.01.060 Misrepresentation; NonPayment.

"A. All persons doing business within the City for which a business license is required by this Ordinance shall make all records, accounts and documents of every nature and kind and in whatever media kept or stored that tend to show the number of persons engaged in the business or the number of rental dwelling units available or occupied, available to the City on its demand for the City's use in verifying the person's compliance with this Ordinance. The City shall deem such records, accounts and documents to be submitted to it in confidence as trade secrets to the extent allowed by Oregon public records law if so requested by the person submitting the information.

"B. A business license fee due from any person and not paid in full when due is delinquent, and the City may avail itself of any and all remedies available to it to collect the fee from that person, including but not limited to citation of the person for a violation of the Beaverton Code.

"C. A delinquent charge of 10 percent of the business license fee that is due from any person and is delinquent shall be added to the fee that is otherwise due for each successive 30 day period or portion thereof for which any portion of the amount due, including delinquent charges already imposed, remains unpaid, up to a maximum penalty of 100% of the license fee."

Section 8. There is added a new section of the Beaverton Code to be numbered 7.04.055 and reading as follows:

"7.04.055 Door-to-Door Solicitation.

"A. No person shall offer goods or services for sale or solicit money or anything having money value from another person on premises occupied as a residence except between the hours of 8AM and 9PM or except by the prior, express permission of the person occupying or in control of those premises.

"B. A person who offers goods or services for sale or who solicits money or anything having money value from another person on premises occupied as a residence shall carry a legible copy of a current, valid City business license and produce same for inspection on demand by any person to whom the offer or solicitation is made. A person who is exempt from the business license required by this Ordinance shall show other identification giving the person's true name and the registered or business name of the entity that the solicitor represents upon demand by the person to whom the offer or solicitation is made."

Section 9. Beaverton Code Section 7.01.065 is amended to read:

"A violation of any provision of this Ordinance constitutes a Class 2 Civil Infraction. Conviction of a person for a violation of this Ordinance shall not relieve the person from the obligation to pay the business license fee, including any delinquent charges, for which the person is liable. The penalty imposed by this section is additional to and not in lieu of any other remedy available to the City to enforce this Ordinance."

Section 10. Beaverton Code Sections 7.01.005, 7.01.035, 7.01.040, 7.01.050, 7.04.005, 7.04.015, 7.04.020, 7.04.025, 7.04.030, 7.04.035, 7.04.040, 7.04.045, 7.04.050, 7.04.055, 7.04.060, 7.04.065, and 7.04.075 hereby are repealed.

First reading this 5th day of October, 1992.
Passed by the Council this 19th day of October, 1992.
Approved by the Mayor this 27th day of OCTOBER, 1992.

ATTEST:

Nancy Scott
NANCY SCOTT, ACTING CITY RECORDER

APPROVED:

Larry D. Cole
LARRY D. COLE, MAYOR