ORDINANCE NO. 1863
MILWAUKIE, OREGON

AN ORDINANCE REPEALING CHAPTER 5.04, BUSINESS LICENSES GENERALLY, AND AMENDING CHAPTER 5.08, BUSINESS TAXES GENERALLY, OF THE MILWAUKIE MUNICIPAL CODE.

WHEREAS, the City Council finds that it is no longer necessary to issue business licenses for regulatory purposes; and

WHEREAS, the City Council finds it is in the City's best interest to retain the ability to impose a business tax for revenue purposes; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

<u>Section 1:</u> Chapter 5.04, Business Licenses Generally, of the Milwaukie Municipal Code is hereby repealed.

<u>Section 2:</u> Subsections 5.08.020(C) and (G) are amended to read as follows:

3. "City Manager" means the city manager or designee.

7. "Rental Property" means a building, portion of building, or group of buildings within the city which are rented, leased or let for any purpose, including but not limited to dwelling or business purposes. Rental property includes, but is not limited to, a hotel or motel, automobile or tourist court, rooming or lodging house, mobile home or trailer park, private residence, office or warehouse.

<u>Section 3:</u> Section 5.08.060(E) is amended to read as follows:

5. The city manager or designee shall have the authority to waive a delinquency charge when, in the manager's judgement, circumstances are such that a delinquency charge should not be assessed.

<u>Section 4:</u> Section 5.08.090 is amended to read as follows:

1. Upon payment of the business tax a person or business shall be issued a receipt by the city for such payment. The receipt shall be

kept posted in a conspicuous place on the business premises at all times. If there is no regular place of business in the city, the receipt shall be in the possession of a representative of the business present within the city at all times during which the business is being transacted by an employee, agency or representative within the city.

2. Payment of the business tax by a person does not authorize any conduct that violates any applicable provision of local, state or federal law. Possession of a receipt for payment of the business tax shall not be asserted as a defense in any enforcement action other than an action related to payment of the business tax.

Section 5: Subsection (A) of Section 5.08.100 is amended to read as follows:

1. The city manager shall be responsible for the administration of this chapter. The manager may adopt reasonable rules and regulations relating to any matter pertaining to the administration of this chapter, as well as preparing, adopting and making available to the taxpayer all forms necessary for compliance with this chapter. The application form shall, at a minimum, require the following information:

    1. Name and address of business;
    2. Whether the business is a home occupation, as defined by the City Zoning Ordinance;
    3. Type of business (i.e., retail, office, warehouse, manufacturing);
    4. Owner and/or manager of business;
    5. Start date of business;
    6. A description of any change in business use from previous year;
    7. Business location square footage;
    8. Number of employees at business;

9. Whether business uses or stores hazardous or combustible materials;

10. Emergency contact person's name, home phone number, cell phone number, pager number and any other after hours number available.

Section 6: Subsection (C) of Section 5.08.100 is amended to read as follows:

C. To the extent allowed by law, the city manager shall keep all information furnished or secured under the authority of this chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this chapter.

Section 7: Section 5.08.110 is amended by adding new subsections (H) and (I) to read as follows:

8. Licensed real estate salespeople or associate real estate brokers who engage in professional real estate activity only as an agent of a real estate broker or real estate organization.

9. Contractors or landscape contractors when:

    1. Their principal place of business is outside of the City and their gross receipts from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed is less than $125,000; or

    2. Their principal place of business is outside of the City and they have proof that they have obtained a business license from the metropolitan service district.

Section 8: Subsection 5.08.120(A) is amended to read as follows:

1. A violation of this chapter shall be punishable by a mandatory fine not to exceed two hundred dollars. A violation of this chapter shall be processed pursuant to Chapter 1.08 of the Milwaukie Municipal Code.

Read the first time on 9/21/99, and moved to second reading by 4-0-1 vote of the City Council.

Read the second time and adopted by the City Council on 10/5/99

Signed by the Mayor on October 5, 1999

Carolyn Tomei

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal

Pat DuVal, City Recorder

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

City Attorney