

ORDINANCE NO. 1702

AN ORDINANCE IMPOSING A BUSINESS LICENSE SURCHARGE ON BUSINESSES IN THE DOWNTOWN DEVELOPMENT AREA AND DEDICATING THE FUNDS RAISED BY THE SURCHARGE TO SUPPORT THE ECONOMIC IMPROVEMENT ACTIVITIES OF THE MILWAUKIE DOWNTOWN DEVELOPMENT ASSOCIATION

WHEREAS, the Milwaukie Downtown Development Association supports economic improvement in the downtown area; and

WHEREAS, the Milwaukie Downtown Development Association has approached the City of Milwaukie in regard to implementing a business license surcharge in order to fund downtown development; and

WHEREAS, the City Council finds that a business license surcharge would be an appropriate way to raise revenue for funding downtown development; now, therefore:

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Surcharge Imposed.

A. No person shall maintain, operate, engage, conduct or carry on any business within the city without first having paid the business license surcharge imposed by this ordinance.

B. It is the intention of this ordinance to impose a business license surcharge on businesses located in the downtown development area. The business license surcharge shall apply to those downtown development area businesses which are obligated to pay for a business license under Chapter 5.04 of the Milwaukie Municipal Code, unless the business is excluded from payment below.

Section 2. Exclusions.

Those businesses which are excluded under Section 5.04.130 are excluded under this ordinance as well.

Section 3. Downtown Development Area.

The downtown development area is described and shown on Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 4. Amount of Surcharge.

The business license surcharge for each calendar year shall be determined as follows:

$$\frac{\$18,000}{\text{Number of employees in downtown area reported in the prior year}} = \text{per employee rate}$$

The number of employees in the downtown development area in the prior year shall be determined from the records of the business license program administered pursuant to Chapter 5.40 of the Milwaukie Municipal Code for the prior business license year.

The surcharge shall then be determined by multiplying the per employee rate by the number of full-time equivalent employees reported by a business on the current application for a business license.

Section 5. Commencement of Surcharge.

A. The business license surcharge will commence on January 1, 1991 and continue for a three year period thereafter, with the last surcharge due on January 1, 1993. The business license surcharge year shall be the calendar year. The business license surcharge shall be paid annually in advance of the business license surcharge year, except for business license surcharge year 1991, where the surcharge shall be payable within 30 days of receipt of notice to pay the surcharge. The approximate payment schedule for the surcharge is as follows:

- 1991 - Payment due within 30 days of notice.
- 1992 - Payment due on January 1, 1992.
- 1993 - Payment due on January 1, 1993.

B. Businesses shall be liable for the surcharge from the date they commence doing business within the city and not from the date of their application. Businesses shall be liable for the full business license surcharge amount for the year in which they commence business, regardless of when they commence business.

Section 6. License Revenue.

The revenue from this surcharge shall be paid to the Milwaukie Downtown Development Association for the following purposes:

- 1) ORGANIZATION: Encouraging cooperation between the City, businesses and property owners, and building leadership in the business community;
- 2) PROMOTION: Creating a positive image for downtown by promoting the downtown as an exciting place to live, shop and invest;
- 3) DESIGN: Improving the appearance of the downtown area;
- 4) ADMINISTRATION: Hiring a downtown manager to coordinate activities and to administer funds received for downtown development.

Section 7. Other Licenses and Charges.

The business license surcharge imposed by this chapter shall be in addition to and not in lieu of any other license, permit, fee, charge or tax required under any other ordinance of the City.

Section 8. Delinquency Charge.

Delinquency charges for late payment of the business license surcharge shall be assessed in the same manner as delinquency charges for late payment of the business license. The delinquency charges assessed for late payment of the business license surcharge shall be in addition to the delinquency charges imposed for late payment of the business license.

Section 9. Penalty for Violation.

A. A violation of this ordinance shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00).

B. Violations of this ordinance shall be pursued under Section 1.08 of the Milwaukie Municipal Code. However, the city may use any other remedies available to it to enforce this ordinance.

C. The conviction of any person for violation of this ordinance shall not relieve such person from paying the business license surcharge, including any delinquency charges for which the person is liable. The penalties imposed by this ordinance are in addition to and not lieu of any other remedies available to the city.

D. In the event a firm, corporation, partnership or other similar entity violates this ordinance, the officer or officers or person or persons responsible for the violation shall be personally subject to the penalties imposed by this ordinance.

Section 10. Other Provisions.

Section 5.04.020 - Definitions, Section 5.04.040 - Multiple businesses or premises, Section 5.04.080 - Transfer or assignment of receipts, Section 5.04.090 - Issuance and display of receipt, and Section 5.04.100 - Administration, of the Milwaukie Municipal Code are hereby adopted and incorporated herein by this reference.

Read for the first time on March 19, 1991 and moved to a second reading by unanimous vote of the City Council.

Read for the second time and adopted by the City Council on March 19, 1991.

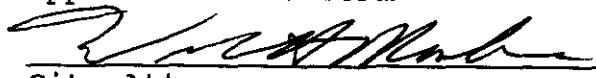
Signed by the Mayor on April 2, 1991.


Craig Lomnicki, Mayor

Attest:


City Recorder

Approved as to form:


City Attorney

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