

**A BILL FOR AN ORDINANCE
CONCERNING BUSINESS
REGISTRATION AND CREATING A
NEW CHAPTER 5.02 BUSINESS
REGISTRATION**) **ORDINANCE BILL NO. 1
For 2009**
) **ORDINANCE NO. 2771**
)

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5.02.010 Purpose and scope.

A) This chapter is enacted to assure the public health and safety and compliance with LMC, Title 16, as well as to provide revenue for municipal purposes in order to pay for the necessary expenses required to administer the city’s business registration program.

B) The registration fees authorized by this chapter shall be independent and separate from any license or permit fees, now or hereafter, required of any person to engage in any business by the Lebanon City Council or other governmental or regulatory body. All such businesses remain subject to the regulatory provisions of any city ordinances or other regulations, now or hereafter, in effect and the business engaged therein is liable for the payment of any license or other fees therein established or authorized.

C) Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from taxation or regulation by virtue of the Constitutions or laws either of the United States or Oregon.

D) The levy or collection of a registration fee upon any business shall not be construed to be a license or permit to the person or business engaged therein to engage in activity or business to the extent it is deemed to be unlawful by the laws of the United States, the state of Oregon, or the city.

5.02.020 Definitions.

A) As used in this chapter:
“Business” means profession, trade, occupation, and every other kind of calling carried on for profit or livelihood which is operated, in whole or in part, in or on any structure, building, lot, or other premises, located within the city limits.

“Employee” means any person working for, within or under the auspices of a business, other than a bona fide independent contractor or leased employee, including common law and statutory wage-earning, commission and salaried employees; executive and common employees; agents; sales representatives; sole proprietors; partners; corporate officers and any and all persons associated directly with the business, whether full or part-time.

“Exemption certificate” means the document granted by the city in lieu of a business registration for businesses, occupations and activities qualifying under the provisions of Lebanon Municipal Code (LMC) Section 5.02.030(B).

“License” or “business license” means the document issued by the city granting the privilege to carry on a particular business or pursue a certain occupation within the city and which is separate from the business registration provisions contained in this chapter.

“Person” means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint ventures, societies and individuals transacting and carrying on any business in the city.

“Transfer” means to transfer the name or ownership of a business, but does not include a change in business location.

5.02.030 Registration and payment required – Exemptions – Registration year.

A) Except as provided in LMC 5.02.010(B & C), any person operating or carrying on any business, as defined in LMC 5.02.020, shall obtain a Business Registration and pay the required fee as established by the Lebanon City Council.

B) In lieu of the business registration fee described in this chapter, an **Exemption Certificate** shall be granted without charge to the businesses and activities described below provided they use, operate from, or otherwise occupy, a particular structure, building or lot located within the City of Lebanon. All exempt businesses or activities must complete and file an annual renewal exemption certificate application with the City Manager, or their designee. Businesses and activities qualified under this provision include:

1. Religious, educational and charitable organizations specifically exempt from taxation under the Federal Internal Revenue Code;
2. Businesses franchised by and paying a franchise fee to the city;
3. Businesses exempt from the payment of municipal license fees pursuant to Oregon or federal law;
4. Suppliers and those engaged solely in wholesale sales to local businesses;
5. Any person involved in the home delivery of newspapers, groceries, or other goods purchased outside the city;

C) The following business or professional activities shall be exempt from any requirement to register or obtain an Exemption Certificate under the provisions of this chapter:

1. Fairs, festivals, and public entertainment events by nonprofit organizations. As used in this chapter, a “nonprofit organization” means an organization with tax exempt status as granted under applicable federal laws.

2. Home based businesses and occupations as described in LMC 16.19.060.

3. Contractors, consultants or others who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the city limits.

4. Those other businesses or business related activities that, due to their minimal activities may be declared exempt by the City Manager, or their designee.

D) Registration Year.

1. The Business Registration Exemption Certificate year shall commence on January 31, 2010, and shall be renewable on or before that date annually thereafter. For businesses applying for an initial business registration or exemption certificate after said date, the registration year shall commence on the date the registration is accepted by the city and shall be renewed annually on or before January 31 of each succeeding year thereafter.

2. The registration fee shall be due and payable on the 31 day of January and shall be deemed to be delinquent if not paid by 5 p.m., January 31, of that year. Registration fees are not refundable nor subject to proration.

5.04.040 Registration fee imposed – Agent responsibilities.

A) Each business operating within the city shall pay to the city on or before the 31 day of January of each calendar year a business registration fee as established by resolution of the Lebanon City Council.

B) The agent(s) of a nonresident person engaged in a business for which registration is required shall be liable for the payment of the registration fee for the business and for the penalties for failure to pay the fee or to comply with the provisions of this chapter to the same extent and with the like effect as if such agent(s) were themselves persons engaged in business for which a license is required.

5.02.050 Multiple businesses at same location– Branch offices – Professional offices.

A) If more than one business takes place at the same location and is operated under the same ownership, but is operated under more than one business name, one application may be filed, provided each business is clearly identified and all relevant information is included in the unified application.

B) Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be treated as a separate business subject to the registration provided for in this chapter. Warehouses used incidentally with a duly registered business shall not be deemed to be a separate place of business or branch establishment.

5.02.060 Application procedure – Registration transfer.

A) All Business Registration renewals and Exemption Certificate applications shall be processed by the City Manager, or their designee, upon written application and not otherwise.

B) The application for such registration, or renewal thereof, shall contain such information as the city deems appropriate to determine the ownership, location, activities, and management of the business.

C) No transfer of a business registration shall be made without written application for the transfer being made with the City. An entry of such transfer shall be made by the City Manager, or their designee, in the business registration record for which the city shall charge and receive a fee as established by resolution of the city council.

D) An application for an initial business registration or a change in address due to the physical relocation of a currently registered business shall be accompanied by the payment of an application fee as established by resolution of the city council. This fee shall be in addition to the business registration fee provided for by LMC 5.02.040. *No such application shall be accepted, unless all information contained therein is provided and the full fee is paid.*

E) Approved business registrations shall remain on file with the Lebanon City Clerk and data shall be provided to the Lebanon Rural Fire District.

5.02.070 Falsifying application information – Penalty for delinquent filing.

A) It is unlawful for any person to fail, refuse or neglect to comply with the provisions of this chapter.

B) In the event a business fails or neglects to register and pay the appropriate fee(s) before they become delinquent, the City Clerk, or their designee, shall collect, in addition thereto, an additional charge of ten percent of the annual fee which shall be payable for each month or portion thereof that a business fails to pay the prescribed fee.

C) Nothing contained in this chapter shall be construed as vesting any right to the amount of any license or other/additional taxes or fees, and the fees provided for in this chapter may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the city.

5.02.080 Violation does not exempt payment of fee – Attorneys' fees.

A) The conviction of any person for violation of any of the provisions of this chapter shall not relieve such person from paying any fee or penalty on any fee for which such person is liable. Nor shall the payment of any such fee prevent any prosecution in the city court of any complaint for the violation of any of the provisions of this chapter.

B) The city shall be entitled to the award of reasonable attorneys' fees in the event the City Manager deems it necessary to enforce the requirements imposed by this chapter.

5.02.090 Penalty

A violation of any provision of this chapter shall be punishable by a fine of up to \$500. Each day of violation shall constitute a separate violation for purposes of this chapter.