

IN THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment)
to the Curry County Code)
Regarding Economic Development) **ORDINANCE NO. 19-10**
Article Eight, Division Three)
County Business License)

The Board of Commissioners for the County of Curry ordains as follows:

SECTION 1: TITLE

This Ordinance shall be known as Ordinance 19-10, an Ordinance amending the Curry County Code with respect to Economic Development, Article Eight.

SECTION 2: ADOPTION

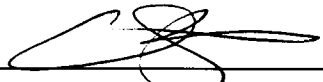
Exhibit "A", attached hereto and incorporated by reference, is adopted as an amendment to the Curry County Code.

SECTION 3: SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of the Ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

DATED this 10th day of July, 2019.

BOARD OF CURRY COUNTY COMMISSIONERS



Christopher Paasch, Chair



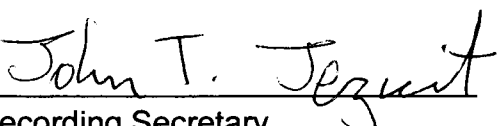
Court Boice, Vice Chair 6-26-19



Sue Gold, Commissioner

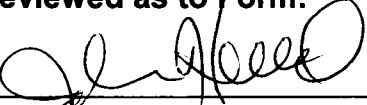
First Reading: 6-26-19
Second Reading: 7-10-19
Emergency Adoption: NONE
Effective Date: October 8, 2019

Attest:



Recording Secretary

Reviewed as to Form:



John Futtli
Curry County Counsel

EXHIBIT A

Curry County Business License Code

Index

Business License Code:

- 1.00 Purpose
- 1.05 Definitions
- 1.10 Requirement for License
- 1.15 Exclusions from Business License Requirement
- 1.20 Illegal Business or Profession
- 1.25 License Required for Each Business and Location
- 1.30 License Term, Transfer of License
- 1.35 Application for License
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- 1.45 Display of License
- 1.50 Regulation of Residential Sales
- 1.55 Penalties and Civil Remedies
- 1.60 Revocation of Licenses

1.00 Purpose

The ordinance codified in this chapter is enacted for the purpose of protecting the public interest, health, welfare and safety of the residents of Curry County by providing a means to advise all new and existing persons or entities transacting business, within the unincorporated areas of the County, that they should be aware of and conform to all County codes, rules and regulations. Licensing helps ensure that all new business activities are conducted in compliance with applicable laws and ordinances. Licensing also allows the County to maintain an inventory of existing businesses operating and doing business within its limits. This business inventory also supports the functions of Curry County Community Development and provides information useful for promoting economic development. The purpose is to also aide the County in economic development and emergency service efforts so as to offer the best service possible to the businesses in the County. The licensing fee required by this chapter is necessary to finance and provide for the licensing and regulation authorized by this chapter.

1.05 Definitions

Business is perceived as an enterprise, activity, profession or undertaking of any nature, undertaken by a person or entity in the pursuit of profit, gain, or the production of income. For purposes of this ordinance, an enterprise, activity, profession, or

undertaking is considered a 'business' if it is required to register with the State of Oregon as a business; have a Federal Employer Identification Number (EIN); a Business Identification Number (BIN); have a payroll tax reporting number with the Oregon Business Registry; a Combined Employer's Registration form from the Oregon Department of Revenue or the Oregon Employment Department; or, annually file a personal property report with the County Assessor's office .

Business includes but is not limited to the manufacture or sale of goods or the sale or rendering of services other than as an employee. Business includes activities carried on by a person or entity through officers, agents or employees as well as activities carried on by a person on his or her own behalf. Business includes all businesses located within the unincorporated areas of the County and those located outside of the unincorporated areas of County that conduct business within the unincorporated areas of County. Individuals in business for themselves and not employees of other individuals or entities or who are independent contractors require a business license to transact business within the unincorporated areas of the County. Individuals and entities that own residential or commercial property and lease or rent the property for commercial or rental income are businesses and require a business license to transact business within the unincorporated areas of the of the County. Places that offer lodging on a transient basis are considered businesses. Farmers, that do not sell directly to an out of County market, are not considered a business for purpose of this code, unless they meet the definition above.

Business License is a permit issued by the County that allows an individual or entity to start and conduct a business within the unincorporated areas of the County. It is a license required in addition to any other licenses, registrations and certifications required to conduct a business by other governmental agencies. It is also in addition to any zoning approvals or permits required by the County's Zoning Ordinance.

County is Curry County, Oregon.

1.10 Requirement for License

Every business located within the unincorporated areas of the County or conducting business within the unincorporated areas of the County shall obtain a business license, this includes event organizers. No person or entity shall do business within the unincorporated areas of the County unless a business license is obtained from the County and has paid the license fee prescribed herein. Any person or entity representing themselves to be engaged in business, or exhibiting any sign or advertisement representing that they are engaged in business, in the unincorporated areas of the County for which a license is required by this ordinance, shall be deemed to be engaged in such business and shall be liable for payment of such license fee and subject to this ordinance.

1.15 Exclusions from Business License Requirement

1. No person who is employed by another person and whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall, for the purpose of this code, be deemed a person doing business in the unincorporated area of Curry County, including an employee conducting business in his/her residence. It is the intention of the county that all license fees shall be borne by the employer and /or owner for the privilege of doing business in the unincorporated area of Curry County.
2. No person who delivers or distributes goods, food, and things exclusively to businesses in the unincorporated area of Curry County shall be required to obtain a business license.
3. Nothing in this code shall be construed to apply to any person transacting or carrying on any business within the unincorporated area of Curry County, Oregon, which is exempt from such license fee or regulation by the County, by virtue of Constitution and /or laws of the United States and/or the laws of the State of Oregon.

1.20 Illegal Business or Profession

The collection of a license fee upon any business shall not be construed to be a license or permit from Curry County, to the person engaged therein, to engage in any business which is unlawful, illegal or prohibited by the laws of the State of Oregon and/or the United States and/or the code of Curry County, Oregon.

1.25 License Required for Each Business and Location

A separate license is required for each business subject to this code and for each separate location of each business. The intent of this code is to issue a license to a business at a specific location and to require a separate license for all additional locations. A licensed business may move to another location without paying an additional fee, by applying for a TRANSFER OF LOCATION BUSINESS LICENSE. This transfer must meet all the criteria of a new business license application.

1.30 Reciprocal License - No Fee Required

Wherever any person, firm or corporation doing business in the unincorporated areas of the County which has no office, building or plant location in the County but has previously obtained a license in a city located within Curry County, such license shall be recognized by the County for the purpose of waiving the County license fee.

1.35 License Term, Transfer of License

All licenses shall be issued for a period of one year commencing July 1st and continuing to June 30th of each fiscal year. All fees chargeable for said business licenses shall be due on or before July 1st of each year and payable by July 31st without penalty by the applicant for said license. Payments received after July 31st shall be subject to a late charge of ten percent of the balance due per month.

An applicant who makes application for a new license after July 1st and before December 31st shall pay the business license fee for an entire one-year period. An applicant who makes application for a new license after December 31st and prior to May 31st, shall be charged one-half the annual license fee. A license granted under such applications shall continue to June 30th of that fiscal year. An applicant who makes application after May 31st may obtain a license for the month of June and the following fiscal year by paying the annual license fee plus the fee for one month on a prorated basis.

In the event a licensee sells or transfers his business, his/her license may be transferred to the purchaser of said business without additional charge; provided, however that the business shall be carried on in the same manner, to the same extent and at the same location as previously. Licenses, under these circumstances, may not be transferred from one location to another, even if the nature and extent of the business and/or occupation remains the same in the new location. A new license shall be obtained for each additional, new or changed location and a new fee shall be paid.

1.40 Application for License

All applications for a business license shall be made in writing and shall be made on the application form which may be obtained from Curry County Economic Development Division of the Community Development Department. Applications for any license hereunder must be signed by the applicant and in all cases set forth the true name of the person to be engaged in such business, the true owner thereof, and the person(s) to be in charge of each unit thereof. No license shall be issued without first obtaining written approval of the business owner, or their designee, indicating that the proposed business complies with all local, state, and federal laws.

1.45 License Fee Schedule

The license fee shall be set by the Board and under the authority of this code shall be paid annually unless otherwise specified. The fee schedule for the license(s) and late fees granted under this code can be changed only by ordinance adopted by the Curry County Board of Commissioners.

1.50 Display of Licenses

Every person licensed under this code shall display the license in some conspicuous place on the premises of the business so licensed unless the business does not operate from an enclosed permanent location in the unincorporated area of Curry County, in which case all persons doing business in unincorporated area of Curry County shall have a copy of the license in their possession at all times. Each business operating amusement or vending machines shall conspicuously display a copy of the business license on each machine it operates.

1.55 Regulation of Residential Sales

No person shall do business at a residence in the unincorporated area of Curry County without obtaining the express written permission of the owner of the premises to do business at that location. The County reserves the right to examine, and request a copy of, the written permission granted.

1.60 Penalties and Civil Remedies

Any person violating any of the provisions of the code shall be subject to the enforcement provisions of Article 10 of the County Code.

1.65 Revocation of Licenses

All licenses are subject to all regulations imposed by the County. The final authority concerning said licenses shall at all times be vested in Curry County, which may, as herein provided, revoke, cancel or suspend any license for any fraud or misrepresentation in its procurement, for violations of any provisions of the code, ordinances of the County, or for a violation of any state or federal statute or for any acts permitted by the licensee on the premises which would be in violation of any County code or ordinance, state statute, or federal statute, or which is a menace to the health, peace and general welfare of the County.

Nothing herein contained shall be taken or construed as vesting any right of any licensee, including a contractual right or obligation on the part of the County as to the amount or character of the license hereunder.