

Agenda
Shady Cove Regular City Council Meeting
Thursday, August 18, 2022
6 PM

<https://us02web.zoom.us/j/86117341838?pwd=Vms1OHZzQ2FuYm9aNVNQcm9BVCtoUT09>

Meeting ID: 861 1734 1838

Passcode: 931458

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I. Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

II. Public Comment on Agenda Items

III. Consent Agenda

- A. Minutes of August 4, 2022.
- B. Bills Paid - 07/29/22-08/11/22 - \$73,021.54

IV. Items Removed from Consent Agenda

V. Staff Reports

- A. Jackson County Deputy
- B. Fire Chief Winfrey, FD4
- C. Commission/Committee Reports
- D. City Administrator

VI. New Business

- A. First Reading - Ordinance #306, An Ordinance of the City of Shady Cove Providing for Licenses Upon Trades, Shops, Occupations, Professions, Businesses, and Providing for the Method of Issuing Licenses, Providing Penalties for Violation Thereof. Methods of Appeals, and Repealing Ordinances No 96-07-597 and 206 in their Entirety.

VII. Old Business

VIII. Written Communication

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

IX. Public Comment on Non-Agenda Items

X. Council Comments on Non-Agenda Items

- A. Mayor Tarvin
- B. Councilor Evertt
- C. Councilor Murders
- D. Councilor Taylor
- E. Councilor Winfrey

Adjournment

City of Shady Cove
City Council Regular Meeting
Thursday, August 4, 2022, 6:00 PM
Meeting was held at City Hall with Zoom available.

I. CALL TO ORDER

Mayor Tarvin called the Regular City Council Meeting to order at 6:00 PM

Council Present: Mayor Tarvin, Councilor Evertt, Councilor Murders, Councilor Taylor, Councilor Winfrey

Staff Present: Thomas J. Corrigan, City Administrator

The Pledge of Allegiance was recited.

I.C. ANNOUNCEMENTS

The Mayor made the announcements on the agenda.

II. PUBLIC COMMENT ON AGENDA ITEMS

None

III. CONSENT AGENDA

Items in Consent Agenda

- A. Bills Paid Report 07/2/22 – 07/28/22 \$41,977.49
- B. Minutes of July 7, 2022

Motion to Accept Consent Agenda:

Motion: Councilor Evertt Second: Councilor Taylor
Motion Carried: 5-0

IV. ITEMS REMOVED FROM CONSENT AGENDA

None

V. STAFF REPORTS

- A. Chief Winfrey – Three fires this month, one structure, two grass. Working Smoke detectors save lives. River is busy, two drownings this year. 125 calls this month.
- B. Jeremy Smith, Events Committee – Need a new sign. 50th Anniversary coming up, would like shirts for event costing around \$1,300.
- C. City Administrator – Jackson County Hearings Officer denied application for mining and blasting operation in Trail. ODOT still applying for Safe Routes to School Grant. Campaign signs can go up September 24th and take down after election. Riparian issue, huge clearcut land, ordered cease and desist. Another Riparian issue, Astroturf. Lots of Phishing scams lately, do the Know B4 trainings. Cleveland street project, elevation difference in street and sidewalk, going forward with project. Trailer is still available for use. The Wilson and Myers families made donation for a memorial bench \$1300 in memory of Richard Wilson and Patrick Meyer.

- D. Hank Hohenstein, Chair for Planning Commission – Introduced James Schireman, Assistant Planner RVCOG.

VI. NEW BUSINESS

- A. Ordinance #305, An Ordinance of the City of Shady Cove Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products, Authorizing Referral to Electors, and Declaring an Emergency.

Motion to Prohibit Ordinance #305, An Ordinance of the City of Shady Cove Declaring a Ban on Psilocybin Service Centers and the Manufacture of Psilocybin Products:

Motion: Councilor Murders
Motion Carried: 5-0

Second: Councilor Evertt

- B. Ordinance #305, An Ordinance of the City of Shady Cove Declaring a Two-year Moratorium on Psilocybin Service Centers and the Manufacture of Psilocybin Products, Authorizing Referral to Electors, and Declaring an Emergency. No action taken.
- C. ODF wildfire risk map – removed and withdrew risk assessment map at this time.
- D. Business License Ordinance Draft – ready for first reading

VII. OLD BUSINESS

None

VIII. WRITTEN COMMENT

None

IX. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sandra Barber – Comprehensive plan. Concerned about lack of water plan.
Casey Pariani – Thinks is a good idea to have a City sign.
Julie Barnes – Wants to have a community meeting.

X. COUNCIL COMMENTS ON NON-AGENDA ITEMS

- A. Councilor Winfrey – Response about Comprehensive plan, will read.
- B. Councilor Taylor – Extends condolences to families of river fatalities. Thank you to Commissioner Roberts. Events Committee doing great job. David's Chair event coming up August 13th. About the meeting on August 12th, hope everybody shows up.

- C. Councilor Murders –Happy to have increase participation. Exciting to see everyone in the audience. Would like reporting from Sheriff's office.
- D. Councilor Evertt – Community Calendar, need to get to work on it.
- E. Mayor Tarvin – Has seen Comprehensive Plan. Everybody needs to keep up on property for fire safety, have working fire alarms, look out for each other.

IX. ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the meeting at 8:26 PM.

Approved:

Attest:

Shari Tarvin
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Tarvin
Councilor Evertt
Councilor Murders
Councilor Taylor
Councilor Winfrey

Report Criteria:

Summary report type printed

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
13	Avista Corporation	4941620000	Natural Gas 05/20-06/21/2	06/22/2022	83.63	.00	83.63	Multiple	Multiple
Total 13:					83.63	.00	83.63		
25	Canon Solutions America, I	6001316888	Copier Maintenance	07/25/2022	55.79	.00	55.79	50471	08/04/2022
Total 25:					55.79	.00	55.79		
39	Crystal Fresh	683636	City Hall bottled water	08/09/2022	71.50	.00	71.50	50489	08/11/2022
Total 39:					71.50	.00	71.50		
43	David Christian	07/25/2022	Radio 07/25/22-07/29/22	07/28/2022	90.00	.00	90.00	50474	08/04/2022
		08/01/2022	Radio 08/01-08/05/22	08/04/2022	90.00	.00	90.00	50490	08/11/2022
		7/18/22	Radio 07/18/22-007/22/22	07/18/2022	90.00	.00	90.00	50474	08/04/2022
Total 43:					270.00	.00	270.00		
61	Hornecker Cowling, LLP	121869/1223	General - Acct 32076-001	08/08/2022	1,599.16	.00	1,599.16	50491	08/11/2022
Total 61:					1,599.16	.00	1,599.16		
74	Jackson County Sheriff	SCJUNE22	Law Enforcement June 202	07/22/2022	46,960.84	.00	46,960.84	50477	08/04/2022
Total 74:					46,960.84	.00	46,960.84		
83	KAS & Associates, Inc.	21231	Cleveland St	07/25/2022	1,259.76	.00	1,259.76	50479	08/04/2022
		21232	Cleveland St	07/25/2022	40.00	.00	40.00	50479	08/04/2022
Total 83:					1,299.76	.00	1,299.76		
88	League of Oregon Cities	R17657	T Corrigan Member Registr	07/14/2022	400.00	.00	400.00	50481	08/04/2022
		R17658	S. Tarvin Conference Mem	07/14/2022	545.00	.00	545.00	50481	08/04/2022
		R17659	T. Evertt Conference Memb	07/14/2022	530.00	.00	530.00	50481	08/04/2022
		R17660	T. Murders Conference Me	07/14/2022	530.00	.00	530.00	50481	08/04/2022
		R17662	P. Winfrey Conference Me	07/14/2022	530.00	.00	530.00	50481	08/04/2022
		R17663	J. Taylor Conference Memb	07/14/2022	530.00	.00	530.00	50481	08/04/2022
Total 88:					3,065.00	.00	3,065.00		
114	Pacific Power	32847641-00	Nork Lane 06/23/22-07/26/	07/27/2022	49.17	.00	49.17	50482	08/04/2022
		32847641-00	Aunt Carolines 06/22/22-07	07/26/2022	40.46	.00	40.46	50482	08/04/2022
		32847641-00	City Hall 06/23/22-07/26/22	07/27/2022	366.30	.00	366.30	50482	08/04/2022
		JULY27,2022	Street lights 07/2022	07/27/2022	634.38	.00	634.38	50482	08/04/2022
Total 114:					1,090.31	.00	1,090.31		
119	Perfection Cleaning	383037	City Hall office cleaning 07/	07/31/2022	400.00	.00	400.00	50483	08/04/2022
Total 119:					400.00	.00	400.00		
122	Pitney Bowes Purchase Po	8000909000	Postage/supplies	07/15/2022	601.01	.00	601.01	50484	08/04/2022

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 122:					601.01	.00	601.01		
126	Postmaster	2022-2023	Yearly PO BOX fees	08/01/2022	140.00	.00	140.00	50494	08/11/2022
Total 126:					140.00	.00	140.00		
139	Shady Cove Hardware, LL	381357	Bench supplies	07/31/2022	215.16	.00	215.16	50497	08/11/2022
Total 139:					215.16	.00	215.16		
149	SOS Alarm	0725202288	City Hall 07/2022	07/25/2022	40.22	.00	40.22	50485	08/04/2022
		0725202288	Nork Ln 07/22	07/25/2022	40.22	.00	40.22	50485	08/04/2022
		0725202288	2501 Indian Creek Rd	07/25/2022	58.50	.00	58.50	50485	08/04/2022
		7830425	City Hall/Shop08/01/22-10/	08/01/2022	271.20	.00	271.20	50498	08/11/2022
Total 149:					410.14	.00	410.14		
160	Teamster Local 223	AUGUST 202	Dues 08/01/22	08/01/2022	153.00	.00	153.00	50499	08/11/2022
Total 160:					153.00	.00	153.00		
168	URCC	0008(07/202	Rent 07/1/2022-12/31/2022	07/27/2022	840.00	.00	840.00	50487	08/04/2022
Total 168:					840.00	.00	840.00		
176	Winters Electric, LLC	18779	City Hall removed water pr	07/25/2022	200.19	.00	200.19	50488	08/04/2022
Total 176:					200.19	.00	200.19		
189	Jackson County - Animal C	106047	Dead Animal Pick Up, 6540	08/04/2022	134.27	.00	134.27	50492	08/11/2022
Total 189:					134.27	.00	134.27		
254	Hart Insurance Agency	2670176	Cyber/Network Liability Poli	07/26/2022	5,125.00	.00	5,125.00	50476	08/04/2022
Total 254:					5,125.00	.00	5,125.00		
255	TouchPoint Networks, LLC	INV-5973	WatchGuard T40 Firebox	08/01/2022	107.00	.00	107.00	50486	08/04/2022
Total 255:					107.00	.00	107.00		
258	WECO - Carson	CP-0020222	Gas/Diesel 07/19-07/25-22	07/31/2022	236.90	.00	236.90	50500	08/11/2022
Total 258:					236.90	.00	236.90		
277	GDMI Enterprises, Inc.	5000079366	Brk elec motor clnr, big sho	07/20/2022	16.68	.00	16.68	50475	08/04/2022
		5000079366	prem hydrclu	07/20/2022	183.98	.00	183.98	50475	08/04/2022
		5000079366	hydraulic fld stop lk	07/26/2022	39.18	.00	39.18	50475	08/04/2022
Total 277:					239.84	.00	239.84		
286	City of Shady Cove - Utilitie	1538.01 JUL	22451 Hwy 62 07/2022	07/31/2022	140.75	.00	140.75	50472	08/04/2022
Total 286:					140.75	.00	140.75		
310	Local Government Law Gr	63806	Attorney Labor	07/31/2022	67.50	.00	67.50	50493	08/11/2022

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Discount Amount	Check Amount	Check Number	Check Issue Date
Total 310:					67.50	.00	67.50		
430018	SAIF Corporation	AUGUST 202	CIS 07/01/22-07/01/23	08/01/2022	873.53	.00	873.53	50496	08/11/2022
Total 430018:					873.53	.00	873.53		
430020	Confident Staffing, Inc.	48839	S. Gradney 07/10/22	07/10/2022	720.34	.00	720.34	50473	08/04/2022
		48907	S. Gradney 07/10/22 Final	08/03/2022	2,802.12	.00	2,802.12	50473	08/04/2022
Total 430020:					3,522.46	.00	3,522.46		
430057	KNBE, LLC	10	August Shop Rent - Celtic	07/25/2022	865.00	.00	865.00	50480	08/04/2022
Total 430057:					865.00	.00	865.00		
430070	RH2 Engineering	86990	Feasibility Study - City Hall	08/09/2022	3,753.80	.00	3,753.80	50495	08/11/2022
Total 430070:					3,753.80	.00	3,753.80		
430073	James Fletcher	SAUCY CON	Music in the Park Event - S	08/01/2022	500.00	.00	500.00	50478	08/04/2022
Total 430073:					500.00	.00	500.00		
Grand Totals:					73,021.54	.00	73,021.54		

Report Criteria:

Summary report type printed

ORDINANCE NO. 306

AN ORDINANCE OF THE CITY OF SHADY COVE PROVIDING FOR LICENSES UPON TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, BUSINESS, PROVIDING FOR

THE METHOD OF ISSUING LICENSES; PROVIDING PENALTIES FOR VIOLATION THEREOF; REPEALING ORDINANCES NO. 96-07-597, AND 206, IN THEIR ENTIRETY.

WHEREAS, the Council of the City of Shady Cove has reviewed Ordinances No. 96-07-597, and 206, and determined that said Ordinances are now obsolete; and

WHEREAS, the Council of the City of Shady Cove has determined it necessary to repeal Ordinances No. 96-07-597, and 206 in their entirety, and enact Ordinance 306.

BE IT ORDAINED, by the City Council of the City of Shady Cove, as follows:

SECTION 1. PURPOSE AND SCOPE:

The business license imposed by the terms of this Ordinance are for revenue purposes only. Neither the acceptance of the prescribed tax nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or a permit to engage in any activity otherwise prohibited by law or ordinance, or a waiver of any regulatory licensing requirement or fee imposed by any Ordinance or other sections of this code. A revenue license is simply a receipt for payment of the license tax.

SECTION 2. DEFINITIONS:

- A. Business: All professions, trades, rental activity, occupations and activities, carried on with the intent:
 - 1. That a profit be realized therefrom; and
 - 2. That the profit, if any, inure to the benefit of the owner or owners of the activity.
- B. Premise: One building, a single piece of real estate, house or building.
- C. Profit: The excess gross receipts over expense.

- D. Expense: The cost of goods sold, the expense of services rendered, and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of the business.
- E. Doing or transacting business: Any act or series of acts performed in the course or pursuit of a business activity.
- F. Person: Includes a person, co-partner, partnership of any kind, domestic and foreign corporations, associations, joint adventures, and individuals transacting or carrying on any business in the City of Shady Cove, Oregon. Under this Ordinance, the term "person" shall not include:
1. Canvassers, solicitors, peddlers, hawkers, auctioneers, and operators of temporary uses.
- G. Owner: A person having an interest in a business, and actively engaged in the operation of said business.
- H. Employee: Any individual who performs service for another individual or organization having the right to control the employee as to the services to be performed and as to the manner of performance. For purposes of this ordinance, employee also means a licensed real estate sales person or associate real estate broker who engages in professional real estate activities only as an agent of a real estate broker or organization.
- I. Auctioneer: Any person whose business it is to offer property for sale at public outcry to the highest bidder.
- J. Circus: Every traveling shows where feats of horsemanship or acrobatic sports or menageries are exhibited.
- K. Carnival: Any traveling show having two or more shows, exhibitions, entertainments, or amusements separately or in combination at one location; provided that merry-go-round, ferris wheel, or similar amusement ride charging a cash fee per ride but not operated in connection or conducted with a circus show, tent show, or side show, shall not be included within the definition of carnival.
- L. Education Program: A seminar or course of study given in the city for a fee by a person or an organization which does not maintain a place of business in the city.
- M. Rental Activity: A person who accepts payment for the use of two or more properties.
- N. Canvassers. solicitors. peddlers. hawkers: As used in this ordinance, canvasser, solicitor, peddler or hawker is defined as an individual, whether a resident of the City of Shady Cove or not, traveling from place to place, house to house, or street to street, carrying for sale, or offering or exposing for sale, or contacting City residents by telephone or taking, or attempting to take, orders for, or to sell goods, wares, merchandise, personal property, produce, or services to be performed or furnished now or at some time in the future, for which a price is asked.
1. Sidewalk Cates. vendors: As used in this ordinance, this would include, but not limited to Espresso Coffee Vendors, hot dog stands, etc.

SECTION 3. BUSINESS LICENSE REQUIRED:

It shall be unlawful for any persons for themselves, or as agent or employee of another, to transact and carry on any business, trade, profession, calling, or occupation within the City of Shady Cove, Oregon, unless:

1. Such business activity has been duly licensed as herein provided; and
2. The license is valid at the time of the transaction.

SECTION 4. LICENSE APPLICATIONS:

- A. Applications for business licenses shall be submitted on forms to be provided by the City of Shady Cove. Every such application shall be signed by the owner or a duly authorized agent and shall contain the following information:
 1. Name of person or persons owning business; if a corporation, the name of an authorized officer;
 2. Assumed business name, and phone number, if any;
 3. Address of business premises and mailing address and phone number;
 4. Nature of business;
 5. Number of employees; (full time and part-time), if applicable;
 6. Emergency contact name and telephone.
- B. Where the business includes activities classifiable in two (2) or more categories, the primary or predominate activity should be designated.
- C. Where the business premises of an applicant are situated outside the City, the application shall specify the number of employees to be engaged in the transaction of the business within the City, and the license issued on the basis thereof, shall be valid only to permit the specified number of employees to transact business within the City at any one time
- D. License fees shall be computed on the basis of information contained in the application, and it shall be unlawful for any person knowingly to sign or submit a business license application containing false information.
- E. The City shall prepare blank applications and make them available at City Hall upon request. Failure to receive or secure a form shall not relieve any person from the obligation to pay a license fee and obtain a license under this ordinance.

SECTION 5. TWO OR MORE BUSINESSES ON SAME PREMISES:

If two (2) or more, differently named businesses are carried on, in the same premise, each business must have a separate license, regardless of ownership.

Any business activity leased, under concession to, or owned wholly or in part by a different person or persons, on the same premises must be separately licensed.

SECTION 6. TWO OR MORE BUSINESS PREMISES:

The conducting of a business or business at two (2) or more separate premises shall, for the purposes hereof, be **deemed to be separate businesses, and each shall be subject to the license fee herein provided for**, except those rental properties, warehouses, and distributing plants used in connection with, and incidental to a business licensed under the provisions of the Chapter shall not be deemed to be separate places of business, or branch establishments, or separate types of businesses.

A person engaged in the rental or leasing of real estate is not required to have more than one license, unless he or she has more than one business office in the city.

SECTION 7. CONTR ACTOR RESPONSIBILITY:

All general contractors, home owners, etc., who contract with, or hire, sub-contractors to perform tasks, deliver materials, or any job on construction site, are responsible to ensure that all such sub-contractors or suppliers are properly licenses to work in the City of Shady Cove.

SECTION 8. RESIDENTIAL/HOME OCCUPATION:

- A. **PURPOSE:** It is the intent of the Residential/Home Occupation License to provide for a limited business activity which is conducted in a manner that the residential character of the buildings and the neighborhood is preserved. The license shall not be transferable and the privileges it grants shall be limited to the person named in the permit to the location and activity for which the license is issued. The issuance of a Home Occupation license is required before and in addition to any other requirement to obtain a business license or satisfy any other requirement contained in any other ordinance now or hereafter adopted by the City of Shady Cove.

PERMIT ISSUANCE: The City of Shady Cove shall issue a Home Occupation License if it is found that all of the following criteria are, and will be, met by the individual applicant. the license may include conditions setting an expiration date, requiring periodic review and renewal, requiring the applicant to sign an acknowledgment of conditions, or other conditions specifically dealing with the property use involved, where

such conditions are found by the City of Shady Cove to be reasonably necessary to maintain the purposes and regulations defined below.

B. REGULATIONS:

1. The occupation shall be conducted entirely within the dwelling in question, garage or accessory building.
2. The occupation must be conducted only by members of the family occupying the dwelling.
3. The outside residential character of all building must be preserved.
4. No sign larger than (4) sq. ft. identifying the business shall be permitted except as required by law.
5. No occupation creating loud and unusual sounds, or causing smoke or odors, or other nuisances detrimental to the residential character of the neighborhood shall be permitted.
6. No Home Occupation License shall be permitted which, in the determination of the City of Shady Cove will unduly increase traffic, parking, or storage of any vehicles on, or adjacent to, the premises for which the license is requested.
7. No Residential/Home Occupation license shall be permitted which, in the determination of the City of Shady Cove will unduly increase traffic, parking, or storage of any vehicles on or adjacent to the premises for which the permit is requested, unless the City of Shady Cove further determines that any increased parking or storage may be adequately screened from public view, including from adjacent properties.

C. REVOCATION:

The City of Shady Cove reserves the right to nullify (revoke) this license for violation of any conditions outlined in this section. The City of Shady Cove, before revoking this permit, shall give the permit holder fourteen (14) days' notice to abate the violation.

D. EXISTING HOME/RESIDENTIAL OCCUPATIONS:

1. Persons currently engaged in Home/Residential Occupations lawfully in existence on the effective date of this section may continue to operate, but shall be required to secure a license.
2. Home/Residential occupations not in conformance with this section must obtain a license, but shall not be permitted to expand or enlarge and shall

be removed or terminated upon a change of use, occupancy or sale of the premises.

E. GROWERS' MARKET IN COMMERCIAL ZONES:

1. A growers' market shall be defined as an association of five (5) or more local agriculturalists organized for the purpose of providing a single location for the sale of locally grown produce and crafts directly to the consumer. Crafts shall be limited to those made by the vendor with a purpose or theme interactive with agriculture, and composed of locally grown agricultural products or by-products.

SECTION 9. LICENSE FEE SCHEDULE: A person licensed under this Chapter shall pay an annual license fee in the following amount:

A. ~~If the business is carried on by not more than two (2) individuals, the license fee is: \$75.00.~~

B. ~~For each individual in excess of two (2) add \$10.00, for each individual.~~

1. ~~In arriving at the number of individuals carrying on a business, the City of Shady Cove shall count the proprietors, officers, partners, and associates actively engaged in such business, either full time or part-time.~~

C. ~~1. \$50.00 annually for canvassers, solicitors, peddlers and hawkers.~~

~~2. \$37.50 for temporary use.~~

~~Annual license fees shall be in effect from July 1, until June 30 of each year. Said fees shall be due and payable on the first day of July of each year for the license commencing with such date, and shall be delinquent on the first day of August of that year.~~

~~DELINQUENT PENALTY: There shall be a penalty of twenty percent (20%) added to all business license fees paid later than thirty (30) days after they are due.~~

~~DUPLICATE LICENSE: A duplicate license shall be issued upon application and payment of a fee of \$10.00 to replace the license previously issued which was lost or destroyed.~~

~~TRANSFER OF LICENSE: No transfer or assignment of any license issued under this Ordinance is valid or permitted, except that when a person sells or transfers a business for which such license has been issued, the purchaser is not required to pay an additional license fee for the remainder of the fiscal year, provided the person selling the business notifies the City of Shady Cove in writing of the transfer of the business. This is only applicable if the location, and nature of the business, is unchanged.~~

~~LICENSE MUST BE DISPLAYED: At all times after the issuance of the business license, the licensee shall cause it to be posted in a conspicuous place upon the~~

business premises, available for inspection by the public and by employees and prospective employees of the business, provided:

- A. ~~That where the licensee has no office, business premises or other established place of business within the City, the license shall be in possession of a representative of the business present within the City at all times during which business is being transacted by an employee or representative within the City.~~
- B. ~~When licensee has vehicle(s) that routinely (or semi-routinely) travel into the City, said business will be issued Business License Stickers. For each business license purchased, said business will be issued up to five (5) vehicle stickers. Additional stickers may be purchased at \$1.00 each. These stickers must be placed on all vehicles conducting business within the limits of Shady Cove. These stickers are NOT transferrable, and should a business replace or add vehicles, they must purchase a separate sticker. These stickers will be affixed to the vehicle windshield, in the lower right hand corner.~~

Section 9: LICENSE FEE SCHEDULE is amended to read as follows:

- A. A person licensed under this Chapter shall pay a license fee in an amount established by Resolution.
- B. Licenses may be issued based upon the number of individuals conducting business, and for specific business categories as enumerated by Resolution.
- C. In arriving at the number of individuals carrying on a business, the City of Shady Cove shall count the proprietors, officers, partners, and associates actively engaged in such business, either full or part-time.
- D. Licenses issued after December 31 may be prorated for the remainder of the year. The fee is due for the full month in which it is purchased, regardless of the date purchased, in addition to each month for the balance of the fiscal year. To be eligible for pro-ration, a license must also be purchased, in full for the following year, at the time the pro-rated fee is collected.
- E. Annual license fees shall be in effect from July 1 through June 30. Fees shall be due and payable on the first day of July of each year for the license commencing with such date, and shall be delinquent on the first day of August of that year.
- F. Delinquent Penalty: There shall be a penalty of twenty percent (20%) added to all business license fees paid later than thirty (30) days after they are due.
- G. Duplicate License: A duplicate license will be issued upon application and payment of a fee to replace the license previously issued which was lost or destroyed.
- H. Transfer of License: No transfer or assignment of any license issued under this Ordinance is valid or permitted, except that when a person sells or transfers a business for which such license has been issued, the purchaser is not required to pay an additional license fee for the remainder of the fiscal year, provided the person selling the business notifies the City of Shady Cove in writing of the

transfer of the business. This is only applicable if the location and nature of the business is unchanged.

- I. License Must Be Displayed: At all times after the issuance of the business license, the licensee shall cause it to be posted in a conspicuous place upon the business premises, available for inspection by the public and by employees and prospective employees of the business.

SECTION 10. BUSINESS LICENSE EXEMPTIONS:

- A. The following persons are exempt from the license requirements imposed by the Business License Law:
1. Persons whom the City is prohibited from licensing or taxing under the constitution or laws of the United States, the Constitution or laws of the State of Oregon, or the Charter of the City.
 2. Non-profit or charitable, religious or educational organizations which have received a tax-exempt certificate from the Internal Revenue Service, and which devote the net proceeds from the sale of good or services to the purpose of the organization.
 3. Sales activities which are part of public school sponsored or approved activities or events taking place on school property such as sporting events, fund raising activities for youth groups, seasonal bazaars or carnivals.
 4. The sale of personal property acquired for household or other personal use by the seller, provided that the total length of sale is fewer than two (2) days in any one calendar year.
 5. The operation of a display space, booth or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, market, or swap meet provided that the sponsor of the event is licensed to do business.
 6. Any unincorporated business activity carried on by individuals under the age of 16 within 100 feet of their primary place of residence.
 7. Any babysitter who goes into a home of a child to give care during the temporary absence of the parent, legal guardian, or custodian.

SECTION 11. TEMPORARY USES: ~~Temporary uses shall be subject to, and shall conform with, the following requirements:~~

- A. ~~One (1) day permit shall be \$5.00. This is limited to a single vendor stand, selling specific items, i.e., handmade crafts.~~
- B. ~~If a business licensed under the Ordinance is for a limited duration of more than one (1) day but not more than 30 consecutive days, then the original license shall be \$37.50.~~

- ~~C. The use shall not occupy more than one thousand (1,000) feet of ground area, and there shall be no less than five hundred (500) square feet of available and contiguous parking area in addition to the area occupied by the use itself.~~
- ~~D. The use shall not be located closer than two hundred (200) feet from any other temporary uses.~~
- ~~E. The use shall not create traffic congestion, nor increase traffic hazards, nor shall it create undue noise, dust, debris, or other significant visual or esthetic impacts or other nuisances.~~
- ~~F. The use shall be located in a land use zone allowing commercial uses.~~
- ~~G. The operator of the use shall have written permission to conduct the use from the property owner of the land upon which the use is located. Any violation of this section shall be subject to all penalties cited in this Ordinance.~~

Section 11. TEMPORARY USES, Subsections A and B are amended to read as follows:

- A. One (1) day permit is limited to a single vendor stand, selling specific items, i.e., handmade crafts.
- B. A business licensed under this Ordinance may obtain a permit for more than one day but less than 30 consecutive days.

SECTION 12. PENALTIES:

- A. Any persons(s) violating any of the provisions of this ordinance shall, upon conviction, in the Municipal Court for the City of Shady, be punished by a fine of not more than \$250.00.
- B. Every full business day during which any business activity continues to be conducted in violation of this ordinance shall be deemed a separate offense.
- C. The remedies specified herein shall not be deemed exclusive, and the City may, at its option, seek to enforce the provisions of this ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.

SECTION 13. EXAMINING BOOKS, RECORDS, OR PERSONS:

The City, for the purpose of ascertaining the correctness of any license application, or for the purpose of estimating the license fee, may examine or may cause to be examined, by an agent or representative designated by it, any books, papers or payroll records, state or federal payroll reports, bearing upon the matter.

SECTION 14. APPEALS:

Any person aggrieved by any determination of the City of Shady Cove, with respect to any penalties imposed, if any, may appeal to the City Council by filing within fifteen (15) days of the serving or mailing of such notice. The Council shall fix a time and place for hearing such appeal, and the City Recorder shall give five (5) days' notice in writing thereof, to such person at the last known address. The Findings of the Council shall be final and conclusive and shall be served upon the appellant, in the manner prescribed above for the service of notice of hearing. Any amount to be due shall be immediately due and payable upon the service of notice.

SECTION 15. EVIDENCE OF DOING BUSINESS:

In the trial of any alleged violation of the Ordinance, evidence of advertisements by newspapers, radio, television or other medium or by signs displayed for public view, that such business was being conducted expressly or impliedly offering to sell goods or services to the public or any segment thereof, shall constitute prima facie evidence that the defendant was transacting business within the City on the day or date during which such representations were made.

SECTION 16. DENIAL OR REVOCATION OF LICENSE:

1. If the applicant makes any material misrepresentation on the sworn application, the business license program designee shall deny or revoke the business license upon discovery of the misrepresentation and bar the applicant from doing business in the City for one year from the date of discovery by the City of the misrepresentation.
2. If the application or the investigation by the City discloses information which indicates that the business would be engaged in unlawful activity or that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the proposed activity or that the applicant lacks any license or permit required by the City or any other government agency, the application shall be denied by the business license program designee.
3. If an existing licensed business is found to be engaged in unlawful activity or if it is determined that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the business activity, the business license shall be revoked by the business license program designee and the existing licensed business shall be barred from conducting business on the formerly licensed premises for one year from the date of discovery by the City of the unlawful activity.
4. If an existing licensed business is found to lack any license or permit required by the City or any other government agency, and the business fails to obtain the

license or permit and present satisfactory proof of same within 15 business days after notice of such deficiency is mailed to the business, the license shall be revoked by the business license program designee.

5. As used herein, "unlawful activity" includes but is not limited to violations of local, state or federal law.
 - a. Upon the determination that the conduct of a business licensee creates an imminent threat to life or property, the business license may be summarily suspended. If the activities of the business licensee cause any property to be or remain in the public way, the property of the business licensee may be removed from the public way by the City and the costs of such removal be assessed to the business licensee.
 - b. The suspension takes effect immediately upon notice of suspension being received by the holder of the business license, or being delivered to the business address as stated on the business license being suspended. Such notice shall state the reason for the suspension.
 - c. The City may continue the suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section.
6. If the applicant makes any material misrepresentation on the sworn application, the business license program designee shall deny or revoke the business license upon discovery of the misrepresentation and bar the applicant from doing business in the City for one year from the date of discovery by the City of the misrepresentation.
7. If the application or the investigation by the City discloses information which indicates that the business would be engaged in unlawful activity or that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the proposed activity or that the applicant lacks any license or permit required by the City or any other government agency, the application shall be denied by the business license program designee.
8. If an existing licensed business is found to be engaged in unlawful activity or if it is determined that the specified location, site, and existing structure (if one is to be used) cannot lawfully be used for the conduct of the business activity, the business license shall be revoked by the business license program designee and the existing licensed business shall be barred from conducting business on the formerly licensed premises for one year from the date of discovery by the City of the unlawful activity.
9. If an existing licensed business is found to lack any license or permit required by the City or any other government agency, and the business fails to obtain the license or permit and present satisfactory proof of same within 15 business days after notice of such deficiency is mailed to the business, the license shall be revoked by the business license program designee.
10. As used herein, "unlawful activity" includes but is not limited to violations of local, state or federal law.

- a. Upon the determination that the conduct of a business licensee creates an imminent threat to life or property, the business license may be summarily suspended. If the activities of the business licensee cause any property to be or remain in the public way, the property of the business licensee may be removed from the public way by the City and the costs of such removal be assessed to the business licensee.
- b. The suspension takes effect immediately upon notice of suspension being received by the holder of the business license, or being delivered to the business address as stated on the business license being suspended. Such notice shall state the reason for the suspension.
- c. The City may continue the suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section.
- d. A summary suspension under this section may be appealed by the business licensee in the manner set forth in next Section.

Appeal of Denial, Revocation, Classification or Exemption of License.

1. An applicant denied a business license, or a holder of a business license that has received a notice of revocation or summary suspension, shall have the right to appeal that action to the City Administrator (or designee). A written appeal must be filed within 10 business days after the date of the notice of the action. The written appeal filed must state the basis for the appeal.
2. The revocation of a business license does not take effect until final determination of the appeal. Notwithstanding this subsection, a summary suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.
3. Unless the appellant and City agree to a longer period of time, an appeal shall be heard within 14 calendar days of receipt of the written appeal. The City Administrator (or designee) shall give the appellant and any other persons requesting the same, at least seven business days' notice of the time and place of such hearing.
4. At the time and place set for the hearing upon the appeal of the denial or revocation, the City Administrator (or designee) shall give the appellant and any other interested party a reasonable opportunity to be heard. The City Administrator (or designee) shall hear and determine the appeal on the basis of the applicant's written appeal statement and any additional evidence the City Administrator (or designee) deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. In all such cases, the burden of proof shall be upon the appellant.

5. The City Administrator (or designee) shall uphold, or modify and uphold, the denial or revocation, or reverse the denial or revocation and render a new decision in the matter consistent with the requirements of the application or license in question. The decision of the City Administrator (or designee) shall be issued within 10 business days of the hearing and shall be in writing and contain findings of fact and a determination of the issues presented. An applicant wishing to appeal the decision of the City Administrator (or designee) shall have the right to appeal to the City Council under the procedures set out in Section.

SECTION 17. FEES SET BY RESOLUTION:

Section 17, Fees Set by Resolution is added to read as follows: The City Council shall establish license fees by resolution.

The effective date of this Ordinance shall be October 1, 2022.

Adopted by the City Council of the City of Shady Cove this 1st day of September 2022.

PASSED AND APPROVED by the Shady Cove City Council

First reading this ___ day of _____, 2022.

Second reading and passage by this Council this _ day of _____,
2022.

ATTEST:

SIGNED:

Thomas J. Corrigan, City Administrator

Shari Tarvin, Mayor