

## **Chapter 09-01: Business Licenses**

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### [9-1-010 Purposes.](#)

The purposes of this ordinance are to provide revenue for general municipal purposes and to maintain records of persons doing business in the City of Tualatin. [Ord. 750-88 §1, 6/13/88]

### [9-1-020 License Required.](#)

(1) Unless exempt under the provisions of subsection (2), it is unlawful for a person to carry on or engage in any business within the City without first having obtained a business license from the City.

(2) The following businesses are exempt from the business license requirements:

(a) A contractor or landscape contractor whose principal place of business is not within the City, who derives gross receipts of less than \$125,000 from business conducted within the boundaries of the City during the calendar year for which the business license is obtained and who has obtained a current business license from the Metropolitan Service District.

(b) Independent Contractors who are sole proprietors and who furnish instructional services only to the City or on behalf of City-sponsored programs. [Ord. 750-88 §2, 6/13/88; Ord. 768-89, 2/13/89; Ord. 854-91 §1, 11/25/91]

### [9-1-030 Definitions.](#)

Unless the context clearly indicates otherwise, the following definitions shall apply:

(1) "Business" means an activity carried on by a person predominately for economic profit. "Business" does not include soliciting, canvassing, services, or selling activities where the predominate purpose is to benefit a charitable, fraternal or religious organization.

(2) "Contractor" has the meaning given under [ORS 701.005.](#)

(3) "Employee" means a natural person who works for or on behalf of a business in exchange for compensation, regardless of the number of hours per pay period or the method of compensation. "Employee" includes, but is not limited to, a sales agent who works primarily for or under the direction of a principal or a broker.

(4) "Engage in business" means to engage in any activity in pursuit of gain, including activities carried on by a

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person through officers, agents and employees, as well as activities carried on by a person on that person's own behalf.

(5) "Instructional services" means an activity whose primary purpose is to demonstrate or teach a method or methods of performance or assist another in developing or improving a craft or skill.

(6) "Landscape contractor" means a person or business who is licensed under [ORS 671.510 to 671.710](#) as a landscape contractor.

(7) "Person" means a natural person, firm, partnership, association, corporation, or a combination.

(8) "Principal place of business" means the location in the City of Tualatin of the central administrative office of a person conducting business in the City.

(9) "Sale" means a transaction between persons based on consideration and includes, but is not limited to, bartering. [Ord. 750-88 §3, 6/13/88; Ord. 854-91 §2, 11/25/91]

### [9-1-040 License Application.](#)

Prior to engaging in business within Tualatin, each business required by [TMC 9-1-020](#) to obtain and maintain a license shall complete and submit an application to the City for a Business License on forms provided for that purpose.

Business license application forms shall be accompanied by payment of the appropriate fee. The City Manager shall prescribe the form of the business license application which shall contain the following information:

- (a) Name of the business;
- (b) Street and mailing addresses of business;
- (c) Business owner or operator's name and title;
- (d) Name of property owner on which business is located;
- (e) Person and telephone number who may be contacted in case of emergency;
- (f) Types of hazardous materials regularly maintained on the office or site, as defined under [ORS 466.605](#);
- (g) Number of employees; and
- (h) A verification by the applicant.

The City Manager may require additional information for administrative purposes. [Ord. 750-88 §4, 6/13/88]

### [9-1-050 Validity of Business License.](#)

Licenses shall be valid for no longer than one calendar year, from January 1 or the date of issue, until the immediately following December 31. [Ord. 750-88 §5, 6/13/88; Ord. 806-90, 5/29/90]

### [9-1-060 License.](#)

Each license issued by the City shall be deemed a personal license and shall not be assigned or transferred to any other person, firm or corporation. The license certificate shall include the following information:

- (a) Name of licensee;
- (b) Address of licensee;

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- (c) A unique license number issued by the City;
- (d) The date of license issuance;
- (e) The date of license expiration;
- (f) The official signature of the City Recorder, or facsimile signature; and
- (g) The corporate seal of the City of Tualatin. [Ord. 750-88 §6, 6/13/88]

### [9-1-070 License Fees.](#)

Upon application for a business license under this chapter, a fee shall be paid to the City. The fee shall be based on the number of employees in the business working within the City. The fee is nonrefundable. The license fee shall not be prorated for a portion of the license year, except for a business which begins its business activity after June 30 of a license year, the fee shall be one-half of the otherwise applicable fee. The following fees shall apply:

1-2 Employees	\$55
3-10 Employees	\$60
11-50 Employees	\$120
More than 50 Employees	\$240

Late Fee: 10% of the above business license fee for payments made after January 31. After March 1, and each month thereafter an additional 20% per month of the basic business license fee shall be added to the basic fee. [Ord. 750-88 §7, 6/13/88; Ord. 1167-04, §1, 7/12/04]

### [9-1-080 Penalties.](#)

(1) Any person, agent, or representative of a person who engages in business within the corporate limits of the City without having first obtained a City business license as required by this ordinance commits a civil infraction and shall be subject to a forfeiture in an amount not exceeding \$500. For each day that a person engages in business without a required license, a separate offense is committed.

(2) A person who engages in business within the City without first obtaining a City business license and who asserts he or she is exempt from the licensing requirements by virtue of the exemption in [TMC 9-1-020](#) shall have the burden of establishing such exemption.

(3) A person who knowingly makes or files with the City a false, misleading or unfounded statement in connection with a license application commits a civil infraction and shall be subject to a forfeiture in an amount not exceeding \$500. In addition to any other penalties imposed, the court may require payment of any license fee or portion of a fee, which because of the false, misleading or unfounded statement has resulted in less than the full required fee being paid. [Ord. 750-88 §8, 6/13/88]

### [9-1-090 Administration.](#)

The City Manager may establish such other rules for the administration of this ordinance, not inconsistent herewith as may be necessary and expedient. [Ord. 750-88 §9, 6/13/88]

### [9-1-100 Emergency Clause.](#)

[Ord. 750-88 §11, 6/13/88]

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