

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL LICENSING PROCEDURES

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LICENSING AND REGULATING SOLICITORS

§ 110.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

CITY. The City of Union, Oregon.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

SOLICITOR. Any person, whether an owner, agent, consignee or employee:

(1) Who engages in the temporary business in this city of selling, offering and/or delivering goods, wares or services, by going from house to house;

(2) Who conducts meetings open to the general public where goods, wares, services or franchises, distributorship, contracts or business opportunities are offered for sale;

(3) Who, without traveling from place to place, sells or offers for sale goods, wares, services, franchises or distributorship, from an automobile, truck, railroad car or other vehicle or conveyance; or

(4) **SOLICITOR** does not include the following:

(a) A resident in this city at least 30 days who regularly engages in the business of selling, offering and/or delivering goods, wares or services by going from house to house;

(b) A regular commercial traveler employed by a wholesale house and selling goods, wares, merchandise or services to merchants of this city for the purpose of resale;

(c) A representative of a public utility;

(d) A person soliciting money, donations of property or financial assistance of any kind, or selling or distributing any items of literature or merchandise for a fee upon the streets, in office buildings, by house to house canvas or in public places for a charitable, religious, patriotic or philanthropic purpose;

(e) Bona fide auctions conducted pursuant to law;

(f) Sales required by statute or by order of any Court;

(g) Rummage sales consisting of the sale of contributed miscellaneous articles, used or new, to raise money for charitable, religious, patriotic or philanthropic purposes; and

(h) Garage and yard sales consisting of sale from garage, yard or dwelling by persons residing in the city and not generally engaged in the business of retail sales and where the items being sold consist of household goods and personal articles owned and used by the sellers. The sale shall not be more than four days in length and no person shall conduct such a sale more than four times in any calendar year. (Ord. 434, passed 7-13-1992) Penalty, see § 110.999

§ 110.002 LICENSE REQUIRED.

(A) *License to do business.* It shall be unlawful for any person or any agent, servant or employee of any person to engage in, carry on or conduct the business of a solicitor without first obtaining a license.

(B) *Blanket license for charitable purposes.* A charitable, religious, patriotic or philanthropic organization may apply for and be issued a blanket license to cover a group of solicitors invited to participate in an event organized by and operated for the benefit of the not-for-profit organization. (Ord. 434, passed 7-13-1992) Penalty, see § 110.999

§ 110.003 LICENSE APPLICATION.

All applications for licenses hereunder shall be made upon forms provided by the Chief of Police and shall contain the information as the Chief deems necessary to conduct appropriate background investigation. A license may be denied or revoked if false information is supplied by the applicant, or if the applicant has been arrested or convicted of any felony or a misdemeanor theft within the previous five years.

(Ord. 434, passed 7-13-1992)

§ 110.004 LICENSE FEE.

Every application shall be accompanied by a license fee, as established by resolution of the City Council, to cover the cost of administration of the licensing program. The fee will not be refunded if a license is not issued.

(Ord. 434, passed 7-13-1992)

§ 110.005 ISSUANCE OF LICENSE.

Within ten working days of the receipt of the license application, the City Administrator or designate shall either issue a license or notify the applicant that the license statement does not comply with the requirements of § 110.003.

(Ord. 434, passed 7-13-1992)

§ 110.006 REVOCATION.

A license issued under this subchapter may be revoked by the City Administrator or designate upon violation of this subchapter. Notice of revocation shall be provided to the licensed person by mailing it certified mail directed to the last known address of the person. The revocation is effective upon posting in the mail. Any person aggrieved by a revocation may appeal the decision to the City Council by filing written notice of appeal with the City Recorder within ten days of the effective date of the revocation. Appeal does not stay the revocation.

(Ord. 434, passed 7-13-1992)

§ 110.007 HEARING ON APPEAL.

Upon receipt of an appeal of revocation of license, the City Administrator shall schedule an appeal hearing at the next regularly scheduled City Council meeting which is at least five days from the date of the appeal. The appellant shall be advised of the time and place set for the hearing on the appeal by letter mailed to appellant's last known address or notice may be delivered by a police officer in the same manner as a summons at least three days prior to the date set for hearing. The City Council shall act upon the appeal no later than the next regular Council meeting and its action shall be final.

(Ord. 434, passed 7-13-1992)

§ 110.008 RE-APPLICATION.

No licensee whose license has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous revocation.

(Ord. 434, passed 7-13-1992) Penalty, see § 110.999

§ 110.009 DISPLAY.

Any person issued a license hereunder shall display the license issued hereunder upon demand.
(Ord. 434, passed 7-13-1992)

***LICENSING OF PINBALL MACHINES, MUSIC MACHINES
AND OTHER COIN-OPERATED AMUSEMENT DEVICES***

§ 110.025 LICENSE REQUIRED.

It shall be unlawful for any person or company to keep, maintain or operate for profit any pinball machine, music machine or other coin-operated amusement device within the City of Union without first obtaining a license from the city for that purpose.
(Ord. 200-B, passed 1-5-1959) Penalty, see § 110.999

§ 110.026 FEES.

The fees payable by the owners of the amusement devices for the herein provided license shall be as follows:

(A) Seventy-five dollars per annum for each music machine, \$30 per annum for each pinball machine and \$30 per annum for each other coin-operated amusement device; and

(B) Any person operating machines in more than one location within the City of Union shall pay \$50 per annum for a master license, in addition to the fees listed in division (A) above.
(Ord. 200-B, passed 1-5-1959; Ord. 459, passed 6-8-1998)

§ 110.027 PAYMENT DATE; DURATION OF LICENSES.

(A) Every person or company required by this subchapter to obtain a license shall pay to the City Recorder the sum of money required under the schedule in § 110.026 on or before January 1 of each year.

(B) Providing, however, that any amusement device placed in operation subsequent to the first day of any year shall be licensed for the balance of the calendar year in which installed, and the required license fee shall be payable at the time of installation of the machine and shall be pro-rated according to the unexpired time of the license period.
(Ord. 200-B, passed 1-5-1959)

LICENSE OR OCCUPATIONAL TAX UPON CERTAIN BUSINESSES

§ 110.040 EXERCISE OF REVENUE LICENSE POWER.

The provisions of this subchapter shall be deemed an exercise of the power of the City of Union to license for revenue.

(Ord. 247, passed 12-3-1956)

§ 110.041 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

GROSS INCOME. The value proceeding or accruing from the sale of tangible property or service and receipts, including all sums earned or charged, whether received or not, by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated, excluding receipts or proceeds from the use or sale of real property or any interest therein; and proceeds from the sale of notes, bonds, mortgages or other evidence of indebtedness, or stocks and the like, and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid, or any expense whatsoever, and without any deduction on account of losses.

PERSON or PERSONS. Persons of either sex, firms, copartnerships, corporations, public utility districts and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

TAX YEAR or TAXABLE YEAR. The year commencing January 1 and ending on December 31 of the year, or, in lieu thereof, the taxpayer's fiscal year when permission is obtained from the City Recorder to use the same as the tax period.

TAXPAYERS. Any person liable to the license fee or tax imposed by this subchapter.
(Ord. 247, passed 12-3-1956)

§ 110.042 OCCUPATION LICENSE REQUIRED.

(A) After January 1, 1957, no person shall engage in or carry on any business, occupation, pursuit or privilege for which a license fee or tax is imposed by this subchapter without having first obtained, and being the holder of, a valid and subsisting license so to do, to be known as an occupational license.

(B) Any person engaging in or carrying on more than one business, occupation, pursuit or privilege shall pay the license so imposed upon each of the same.

(C) Any taxpayer who engages in or carries on any business subject to the tax hereunder, without having his or her occupational license so to do, shall be guilty of a violation of this subchapter for each day during which the business is so engaged in or carried on, and any taxpayer who fails or refuses to pay the license fee, tax or any part thereof on or before the due date shall be operating without having his or her license so to do.

(Ord. 247, passed 12-3-1956) Penalty, see § 110.999

§ 110.043 LICENSE TAX YEAR.

(A) All “ occupation licenses” shall be for the tax year for which issued and shall expire at the end of the year.

(B) The “ occupation license” and the fee or tax therefore hereby imposed shall be for the year commencing January 1 and ending December 31 of the year. Provided, however, that if the taxpayer in transacting his or her business keeps the books reflecting the same for a fiscal year not based on the calendar year, he or she may, with the assent of the City Recorder, obtain his or her license for the period of his or her current fiscal year, which shall be deemed his or her tax year, and pay the fee or tax computed on his or her gross income made during his or her fiscal year (next preceding his or her tax year) covering his or her accounting period as shown by the method of keeping the books of the business.

(Ord. 247, passed 12-3-1956)

§ 110.044 OCCUPATIONS SUBJECT TO TAX AMOUNT.

There are hereby levied upon and shall be collected from the persons on account of the business activities annual license fee or occupational taxes in the amounts to be determined by the application of the rate against gross income, as follows.

(A) Upon every person engaged in or carrying on the business of a telegraph and/or telephone business, a fee or tax equal to 3% of the total gross income from the business in the City of Union, Oregon, during the fiscal year next preceding the tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than the sum of \$500 per tax year.

(B) Upon every person engaged in or carrying on the business of selling or furnishing natural or manufactured gas, a fee or tax equal to 2% of the total gross income from the business in the City of Union, Oregon, during his or her fiscal year next preceding the tax year for which the license is required; provided, however, that the minimum fee or tax shall not be less than \$200 per tax year.

(Ord. 247, passed 12-3-1956)

§ 110.045 EXCEPTIONS AND DEDUCTIONS.

(A) There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed so much thereof as is derived from transactions in interstate or foreign commerce; or from business done for the government of the United States, its officers or agents and any amount paid by the taxpayer to the United States, the State of Oregon or the City of Union, Oregon, as excise taxes levied or imposed upon the sale or distribution of property or service.

(B) There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed, all bad debts for services incurred, rendered or charged for during the tax year, or for a preceding tax year if the charge-off is made in the current tax year. Debts shall be deemed bad and uncollectible when the same have been written off the books of the taxpayer. In the event debts are subsequently collected, the income shall be reported in the return for the tax year in which the debts are collected and at the rate prevailing in the tax year when collected.

(C) There shall be excepted and deducted from the total gross income upon which the license fee or tax is computed, all cash discounts allowed and actually granted to customers of the taxpayer during the tax year.

(D) Nothing in this subchapter shall be construed as requiring a license or the payment of a license fee or tax, or the doing of any act which would constitute an unlawful burden or interference in violation of the constitution or laws of the United States, or which would not be consistent with the constitution or laws of the State of Oregon.

(E) Any person subject to the payment of a license fee or tax under the provisions of any ordinance of the City of Union, Oregon, other than this, on account of engaging in any activity for which he or she is liable to tax here imposed by this subchapter on account of the activity, shall nevertheless, in the manner herein provided for, apply for and procure an "occupational license".

(Ord. 247, passed 12-3-1956)

§ 110.046 APPLICATION OR RETURN OF LICENSE.

(A) On or before the first day of each tax year, every taxpayer shall apply to the City Recorder for an "occupational license" upon blanks or forms of returns to be prepared and provided by him or her requesting the information as may be necessary to enable him or her to arrive at the lawful amount of the fee or tax. The taxpayer shall in a legible manner write in the blank or form of return the information required, and shall sign the same, and by affidavit at the foot thereof shall swear or affirm the information therein given is full and true and that he or she knows the same to be so.

(B) Every application or return shall be accompanied by a remittance by bank draft, certified check, cashier's check or money order, payable to the City of Union, Oregon, in the amount of the tax or fee installment thereof required by the provisions hereof.

(C) If the applicant be a partnership, the application or return must be made by one of the partners; if a corporation, by one of the officers thereof; if a foreign corporation, copartnership or nonresident individual, by the resident agent or local manager of the corporation, copartnership or individual.
(Ord. 247, passed 12-3-1956)

§ 110.047 MONTHLY AND ANNUAL PAYMENT OF TAX.

(A) Where the amount of the license fee or tax is based upon gross income, the taxpayer may pay his or her fee or tax in equal monthly installments during the life of his or her license, each installment to be paid on or before the tenth day of the month.

(B) In all other cases, the taxpayer shall pay his or her fee or tax annually during the life of his or her license, on or before March 15 of each year respectively.
(Ord. 247, passed 12-3-1956)

§ 110.048 TAX BASED ON CURRENT YEAR; COMMENCEMENT OF BUSINESS DURING TAX YEAR.

(A) Where a business, occupation or pursuit subject to tax upon gross income has not been carried on for the full calendar or fiscal year next preceding the tax year for which license is required, the license fee or tax shall be paid monthly in installments during the life of the license on or before the tenth day of the month and shall be based on the gross income for the month next preceding that in which the payment is due. In such cases, the taxpayer shall make monthly returns similar to the annual returns provided for herein on or before the tenth day of the month.

(B) In all other cases where a person commences during any tax year to engage in any business, occupation, pursuit or privilege, he or she shall be entitled to a license for the remainder of the tax year for the required fee, apportioned in the ratio of the remainder to a full tax year.
(Ord. 247, passed 12-3-1956)

§ 110.049 MONTHLY PAYMENTS; LICENSE PREREQUISITE.

In any case where the taxpayer pays his or her license fee or tax monthly, he or she shall nevertheless first procure his or her “occupational license” in the manner herein required before commencing or continuing in business and shall pay the minimum fee or tax therefore, which shall be credited against future installments.
(Ord. 247, passed 12-3-1956)

§ 110.050 SALE OR TRANSFER OF BUSINESS.

Upon the sale or transfer during any tax year of a business on account of which a fee or tax is hereby required, the purchaser or transferee shall, if the fee or tax has not been paid in full for the year, be responsible for its payment for that portion of the year during which he or she carries on the business. (Ord. 247, passed 12-3-1956)

§ 110.051 TAXPAYER TO KEEP BOOKS AND RECORDS; RETURNS CONFIDENTIAL.

(A) It shall be the duty of each taxpayer taxed upon his or her gross income to keep and enter in a proper book, set of books or records, an account which shall accurately reflect the amount of his or her gross income, which account shall always be open to the inspection of the City Recorder and/or his or her duly authorized agent and from which the officer or agent may verify the return made by the taxpayer.

(B) The applications, statements or returns made to the City Recorder pursuant to this subchapter shall not be made public, nor shall they be subject to the inspection of any person except the Mayor, the City Attorney, the City Recorder or his or her authorized agent, and members of the City Council. (Ord. 247, passed 12-3-1956)

§ 110.052 RECORDER TO INVESTIGATE RETURNS.

If any taxpayer fails to apply for license or make his or her return, or if the City Recorder is dissatisfied as to the correctness of the statement made in the application or return of any taxpayer, the officer or his or her authorized agent may enter the premises of the taxpayer at any reasonable time for the purpose of inspecting his or her books or records of account to ascertain the amount of the fee or tax, or to determine the correctness of the statements, as the case may be, and may examine any person under oath administered by the officer or his or her agent, touching the matters inquired into, or may fix a time and place for an investigation of correctness of the return and may issue a subpoena to the taxpayer or any other person to attend upon the investigation and there testify, under oath administered by the officer or his or her agent, in regard to the matters inquired into; and may by subpoena require him or her or any person to bring with him or her the books, records and papers as may be necessary. (Ord. 247, passed 12-3-1956)

§ 110.053 OVER OR UNDER PAYMENT OF TAX.

(A) If the City Recorder, upon investigation or upon checking returns, finds that the fee or tax paid on any of them is more than the amount required of the taxpayer, he or she shall refund the amount overpaid by a warrant upon the General Fund.

(B) If the City Recorder finds that the fee or tax paid is less than required, he or she shall send a statement to the taxpayer showing the balance due, who shall within three days pay the amount shown thereon.

(Ord. 247, passed 12-3-1956)

§ 110.054 REMEDY FOR NONPAYMENT OF TAX.

(A) If any taxpayer fails to apply for license, or make his or her return, or to pay the fee or tax therefore or any part thereof within three days after the same shall have become due, the City Recorder shall ascertain the amount of the fee, tax or installment thereof due, and shall notify the taxpayer thereof, who shall be liable therefore in any suit or action by the city for the collection thereof.

(B) The City Recorder shall also notify the City Attorney in writing of the name of the delinquent taxpayer and the amount due from him or her and the officer shall, with the assistance of the City Recorder, collect the same by any appropriate means, or by suit or action in the name of the city.

(Ord. 247, passed 12-3-1956)

§ 110.055 APPEALS TO CITY COUNCIL.

(A) (1) Any taxpayer aggrieved by the amount of the fee or tax found by the City Recorder to be required under the provisions of this subchapter may appeal to the City Council from the finding by filing a written notice of appeal with the City Recorder within five days from the time the taxpayer was given notice of the amount.

(2) The Recorder shall, as soon as practicable, fix a time and place for the hearing of the appeal, which time shall not be more than ten days after the filing of the notice of appeal; and he or she shall cause a notice of the time and place thereof to be delivered or mailed to the appellant.

(3) At the hearing, the taxpayer shall be entitled to be heard and to introduce evidence in his or her own behalf.

(4) The City Council shall thereupon ascertain the correct amount of the fee or tax by resolution, and the City Recorder shall immediately notify the appellant thereof; which amount, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within three days after the notice is given.

(B) The Mayor of the City of Union, Oregon, may by subpoena require the attendance thereof of any person, and may also require him or her to produce any pertinent books and records. Any person served with the subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the Mayor as to any matter required of him or her pertinent to the appeal; and it shall be unlawful for him or her to fail or refuse so to do. (Ord. 247, passed 12-3-1956) Penalty, see § 110.999

§ 110.056 RECORDER TO MAKE RULES.

The City Recorder shall have the power, subject to the approval of the City Council, and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this subchapter, or with law, for the purpose of carrying out the provisions hereof; and it shall be unlawful to violate or fail to comply with any rule or regulation. (Ord. 247, passed 12-3-1956) Penalty, see § 110.999

§ 110.057 LICENSES; POSTING; UNLAWFUL USE OF.

(A) All licenses issued pursuant to the provisions of this subchapter shall be kept posted by the licensee in a conspicuous place in his or her principal place of business in the city.

(B) No person to whom a license has been issued pursuant to this subchapter shall suffer or allow any other person chargeable with a separate license to operate under or display his or her license, nor shall the other person operate under or display the license. (Ord. 247, passed 12-3-1956) Penalty, see § 110.999

§ 110.058 SALES; RETURNS AND THE LIKE.

It shall be unlawful for any person liable to tax hereunder to fail or refuse to make application or return for a license, or to pay the fee, tax or installment thereof when due, or for any person to make any false or fraudulent application or return or any false statement or representation in, or in connection with, any application or return, or to aid or abet another in any attempt to evade payment of the fee or tax or any part thereof, or for any person to fail to appear and testify in response to a subpoena issued pursuant thereto, or to testify falsely upon any investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder or delay the city or any of its officers in carrying out the provisions of this subchapter. (Ord. 247, passed 12-3-1956) Penalty, see § 110.999

LICENSE FEE SCHEDULE

§ 110.075 LICENSE FEE REQUIRED.

License fee required, occupations and professions hereinafter license fees provided in this subchapter.

Billiard table, pool table, Pigeon hole table, bowling alley and shooting gallery	\$75 per year
Card tables; first table Each additional table	\$7.50 per quarter or fraction thereof \$3 per quarter of fraction thereof
Carnivals	\$300 minimum per week \$1,000 maximum per week (at the discretion of the City Council)
Circuses and/or menageries; one ring Two or more rings	\$25 per exhibition \$45 per exhibition
Skating rinks	\$10 per quarter or fraction thereof
Firecrackers (provided, however, that no license shall be issued for firecrackers except during the seven day period preceding July 4 of any year)	\$25
Exhibition, shows and entertainment (provided, however, that this shall not include exhibitions, shows or entertainments put on or sponsored by school, church or other non-profit organizations)	\$5 daily
Each Poker, 21 or other card table	\$250 per year or \$50 for one to 60 days
Each 4-5-6 table	\$32.50 for one to 60 days
All quarterly licenses herein provided for shall expire on the last day of the months of March, June, September and December. Carnivals associated with Eastern Oregon Livestock Show are exempt from these fees	

(Ord. 229, passed 5-19-1941; Ord. 460, passed 6-8-1998)

§ 110.076 LICENSE REQUIRED BEFORE OPERATION.

No person, persons, firm, company or corporation shall, within the corporate limits of the City of Union, engage in or carry on any trade, business, occupation, calling or profession for which a license is required by this subchapter until they or it shall have obtained a license as provided in § 110.075. (Ord. 229, passed 5-19-1941) Penalty, see § 110.999

§ 110.077 LICENSE PAYABLE TO CITY RECORDER.

Every person, firm, company or corporation inquired by this subchapter to obtain a license shall pay to the City Recorder the sum of money required in payment thereof and receive the license, setting forth the amount paid, the nature of the business licensed, the time the license is to run, the place where the business is to be conducted and the name and address of the licensee. (Ord. 229, passed 5-19-1941)

§ 110.078 MULTIPLE TRADE AND BUSINESS AT SAME LOCATION.

In every case where more than one of the trades, occupations, businesses or professions for which a license is required shall be conducted or carried on in the same place by the same person, persons, firm, company or corporation at the same time, a license must be taken out for each of the pursuits according to the rates severally prescribed herein. (Ord. 229, passed 5-19-1941)

§ 110.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Licensing and regulating solicitors.* In addition to revocation of a license issued hereunder, any person who violates any provision of §§ 110.001 through 110.090 shall, upon conviction, be fined in an amount not to exceed \$500. Each violation of §§ 110.001 through 110.009 shall constitute a separate offense. Each day that a violation continues shall constitute a separate offense.

(C) *Licensing of pinball machines, music machines and other coin-operated amusement devices.* Any person or company violating any of the provisions of §§ 110.025 through 110.027 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5, nor more than \$25.

(D) *License fee schedule.* Any person who shall pursue any occupation herein enumerated without first taking out a license as herein provided, or violating any of the provisions of §§ 110.075 through 110.078 shall, upon conviction thereof, be fined not less than \$5 nor more than \$50, or by imprisonment for not less than two days nor more than 20 days, or by both the fine and imprisonment, in the discretion of the Court.

(Ord. 229, passed 5-19-1941; Ord. 200-B, passed 1-5-1959; Ord. 434, passed 7-13-1992)

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

General Provisions

111.01 Residential soliciting prohibited

Secondhand Dealers

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GENERAL PROVISIONS

§ 111.01 RESIDENTIAL SOLICITING PROHIBITED.

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“ NO SOLICITORS INVITED ”

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

SECONDHAND DEALERS

§ 111.20 PAWNBROKER.

As used herein, ***PAWNBROKER*** shall mean any person, persons, firm or corporation engaged in keeping, conducting, managing or carrying on the business of loaning money for himself or herself or another and taking or receiving by way of pawn, pledge or exchange any goods, wares or merchandise, or any kind of personal property, as security for the repayment of any money loaned thereon.
(Ord. 206, passed 5-4-1939)

§ 111.21 SECONDHAND DEALER.

As used herein, ***SECONDHAND DEALER*** shall mean any person, persons, firm or corporation who conducts the business of buying, selling, exchanging or otherwise dealing in secondhand goods, wares, merchandise or other articles of personal property, or articles and things usually found in a secondhand store and who holds himself or herself out to be and advertises himself or herself to be a dealer in secondhand goods.
(Ord. 206, passed 5-4-1939)

§ 111.22 LICENSES.

No person, persons, firm or corporation shall hereafter engage in the business of a pawnbroker or a secondhand dealer in the City of Union, Oregon, without first obtaining a permit or license, therefore, from the Common Council of the City of Union, which the permit or license shall not be assignable and may be revoked at any time by the Common Council for cause, after hearing.
(Ord. 206, passed 5-4-1939) Penalty, see § 111.99

§ 111.23 RECORD OF TRANSACTIONS.

(A) Every pawnbroker and secondhand dealer operating within the City of Union shall keep a daily record of all articles received, pawned or pledged with him or her, or purchased by him or her; which record shall set out the date and the hour of the day when the article was received on deposit, pledged or purchased, the number of the identification ticket, the amount loaned thereon or the amount of the purchase price, a complete description sufficient for identification of each article left on deposit, pledged

or purchased, the name and address of the person pawning, pledging, selling or delivering the article, goods or merchandise and the name of the person receiving or accepting the goods or merchandise so pawned, pledged or purchased.

(B) The record shall be kept in a record book for that purpose, and the entries therein shall be legibly written in ink or typewriter, in the English language; and no entry therein shall be altered, changed, erased or defaced; and the record, as well as the articles of merchandise or goods so pawned, pledged, purchased or received shall at all reasonable times be open for inspection by any police officer of the City of Union, the state police or any member of the sheriff's office of the County of Union, Oregon.

(Ord. 206, passed 5-4-1939)

§ 111.24 IDENTIFICATION OF ARTICLES.

Any pawnbroker or secondhand dealer receiving any article in pledge, purchase or otherwise, shall affix to the article a tag, upon which tag shall be written or printed in legible characters a number, which number shall correspond to the identification number of the article in the record required to be kept.

(Ord. 206, passed 5-4-1939)

§ 111.25 HOLDING OF PROPERTY.

No personal property received by or pledged to any pawnbroker, and no personal property received by or purchased by any secondhand dealer, shall be sold or disposed of or removed from the place of business of the pawnbroker or secondhand dealer for the space of five days from and after the date the same was pawned or received in pledge, or purchased or received by the pawnbroker or secondhand dealer; provided, that at any time any police officer mentioned herein shall serve written notice upon any pawnbroker or secondhand dealer not to sell or remove any article so received by or pledged with him or her or purchased by him or her, or permit the same to be redeemed, the property shall not be sold, or permitted to be redeemed, or removed from the premises until the time as may be determined by the police officer, not exceeding ten days from the date of the service of the notice.

(Ord. 206, passed 5-4-1939) Penalty, see § 111.99

§ 111.26 TRANSACTIONS WITH MINORS OR INTOXICATED PERSONS.

No pawnbroker or secondhand dealer shall buy, receive in exchange or receive in pledge, any article or thing whatever from any person under the age of 18 years, or any person while under the influence of intoxicating liquor.

(Ord. 206, passed 5-4-1939) Penalty, see § 111.99

§ 111.27 APPLICATION OF PROVISIONS.

The provisions of this subchapter shall not apply to the purchase or sale of new goods purchased from manufacturers, wholesale dealers or persons having an established place of business.
(Ord. 206, passed 5-4-1939)

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, persons, firm or corporation who shall violate any of the provisions of §§ 111.20 through 111.27 shall, upon conviction thereof, be punished by a fine of not less than \$5, or more than \$100.
(Ord. 206, passed 5-4-1939)

CHAPTER 112: AMUSEMENTS

Section

Regulating Billiard, Pool, Cardrooms, Bowling Alleys, Shooting Galleries, Taverns and the Like

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***REGULATING BILLIARD, POOL, CARDROOMS, BOWLING ALLEYS,
SHOOTING GALLERIES, TAVERNS AND THE LIKE***

§ 112.01 LICENSE REQUIRED.

It shall be unlawful for any person to maintain or operate any billiard, pool or cardroom, bowling alley, shooting gallery or tavern within the City of Union without first making a written application and obtaining a license from the city therefore. Any person desiring to obtain a billiard, pool or cardroom, bowling alley, shooting gallery or tavern license shall make written application directed to the Common Council and file the same with the City Recorder, which application shall be signed by the applicant and shall definitely describe the premises wherein the business is proposed to be conducted. The applicant shall likewise state the kind of business, if any, to be connected with any the billiard, pool, or cardroom and shall state the names of all persons interested in the ownership of the billiard, pool, cardroom or tavern. Any person now owning or operating any billiard, pool or cardroom, tavern, bowling alley or shooting gallery under license of the City of Union shall not be required to file the written application herein provided for until the expiration of the license now in force.

(Ord. 272, passed 4-8-1968) Penalty, see § 10.99

§ 112.02 DEFINITIONS.

A ***BILLIARD, POOL*** or ***CARDROOM*** shall be taken to mean any place where one or more tables, either billiard, pool or cards, are maintained, whether or not a charge is made for the use of the table or tables, except private clubs and homes where the general public is not permitted the use of the tables.

(Ord. 272, passed 4-8-1968)

§ 112.03 LICENSE NOT TRANSFERABLE.

Any change made either in the ownership or location of any billiard, pool or cardroom, bowling alley, shooting gallery or tavern without the consent of the Common Council after the license, therefore, shall have been granted shall render the license void and of no effect.

(Ord. 272, passed 4-8-1968)

§ 112.04 MINORS.

It shall be unlawful for any owner or person in charge of any billiard, pool, cardroom or tavern to permit, suffer or allow any minor to go into, visit or to remain in any room; and he or she shall have and keep posted at the entrance to any room a sign reading, "No minors allowed". It shall be unlawful for any minor to go into, or be or remain in or about any billiard, pool, cardroom or tavern.

(Ord. 272, passed 4-8-1968) Penalty, see § 10.99

§ 112.05 HOURS OF OPERATION.

All billiard, pool and cardrooms, bowling alleys, shooting galleries and taverns shall be and remain closed each day of the week between 1:00 a.m. and 5:00 a.m.

(Ord. 272, passed 4-8-1968)

§ 112.06 OBSTRUCTION OF VIEW.

It shall be unlawful to keep or maintain in any billiard, pool, cardroom, bowling alley, shooting gallery or tavern any screen or other obstruction which prevents a full view of the room from the entrance thereto. It shall also be unlawful to maintain any frosted window or any opaque curtain or screen for the purpose of obstructing a view of the interior of the room from the street.

(Ord. 272, passed 4-8-1968) Penalty, see § 10.99

§ 112.07 GAMBLING.

It shall be unlawful for any person owning, operating or in charge of any billiard, pool or cardroom, bowling alley, shooting gallery or tavern to permit or allow any gambling of any kind therein. Gambling shall not include social games. *SOCIAL GAMES* shall be defined as a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

(Ord. 272, passed 4-8-1968; Ord. 349, passed 5-29-1980) Penalty, see § 10.99

§ 112.08 FORFEITURE OF LICENSE.

A conviction in the Municipal Court of the City of Union of the owner, operator or person in charge of any billiard, pool or cardroom, bowling alley, shooting gallery or tavern for any violation of the provisions of this subchapter shall work on immediate forfeiture of the license held by the owner. Thereafter, the owner, operator or person in charge shall not maintain or operate the place unless and until the consent of the Common Council is obtained and a renewal of the license granted.

(Ord. 272, passed 4-8-1968)

§ 112.09 ISSUANCE OF LICENSE.

License for billiard, pool or cardrooms, bowling alleys, shooting galleries or taverns shall be issued at the time and in the manner for issuing general occupational licenses, except as herein otherwise expressly provided therefore. No business or trade shall be carried on in any place until the license fee shall have been paid.

(Ord. 272, passed 4-8-1968) Penalty, see § 10.99

*YOUTH CENTERS***§ 112.25 LICENSE REQUIRED.**

It shall be unlawful for any person to be engaged in the operation of any youth recreational or entertainment center, as defined in § 111.26, without first obtaining a license therefore in compliance with the provisions of this subchapter.

(Ord. 263, passed 10-10-1966) Penalty, see § 10.99

§ 112.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ENGAGED IN THE OPERATION. Of such a business or enterprise is defined as owning, leasing, operating, supervising or having any financial interest in the business or enterprise, whether as an owner, lessee, licensee, agent, employee or contractor. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this subchapter merely by reason of association temporarily with any established local business or by conducting the business or enterprise in the name of any person having no real interest therein.

PERSON. Any individual, firm or corporation.

YOUTH RECREATIONAL or ENTERTAINMENT CENTER. Any business or enterprise offering entertainment or recreation of every kind, nature or description, or facilities for the same including, but not restricted to, dancing, pool playing, juke boxes, food and beverages, and whose patronage consists substantially of persons under the age of 21 years. It is immaterial whether or not the entertainment or recreation or facilities for the same are made available to patrons on a fee, admission charge or dues basis, or whether no charge of any kind shall be made on the patrons.

(Ord. 263, passed 10-10-1966)

§ 112.27 APPLICATION.

Applicants for license under this subchapter, whether a person, firm or corporation shall file a written sworn application signed by the applicant (if an individual), by all partners (if a partnership) and by the president (if a corporation) with the City Recorder showing:

(A) The name or names of the persons having the management or supervision of applicant's business, the address of the person or persons, the capacity in which the person or persons will act (that is, whether as proprietor, agent or otherwise);

(B) The fingerprints of the person or persons having the management or supervision of applicant's business or, in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Union, Oregon, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Council of the City of Union, the good character and business responsibility of the person or persons;

(C) A brief statement of the nature, character and quality of the facilities, services and entertainment to be offered by the applicant;

(D) Whether or not the person or persons engaging in the operation of the business or enterprise have been convicted of a crime, misdemeanor or the violation of any ordinance of the City of Union, the nature of the offense and the punishment assessed therefore; and

(E) The other reasonable information as to the identity or character of the person or persons engaged in the business or enterprise as the City Council may deem proper to fulfill the purpose of this subchapter in the protection of the public good.

(Ord. 263, passed 10-10-1966)

§ 112.28 INVESTIGATION AND ISSUANCE.

Upon receipt of the application, the Chief of Police shall cause such an investigation of the person or persons business responsibility or moral character to be made as he or she deems necessary to the protection of the public good. If, as a result of the investigation, the applicant's character or business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation of the applicant appear to be satisfactory, the Chief of Police shall so certify in writing and a license shall be issued by the City Recorder. The license shall contain the number of the license, the date issued, the nature of the business authorized to be carried on, the amount of the license fee, the expiration date of the license and the name or names of the persons authorized to carry on the same.

(Ord. 263, passed 10-10-1966)

§ 112.29 SERVICE OF PROCESS.

Before any license as herein provided shall be issued for engaging in the herein-described business or enterprise, the applicant shall file with the City Recorder an instrument nominating and appointing any Union County, Oregon, resident and freeholder as his or her true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business or enterprise transacted under the license, which the instrument shall also contain a recital to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall

be taken and held to be valid as if personally served upon the person or persons applying for the license under this subchapter, and waiving all claim or right of error by reason of the acknowledgment of service or manner of service.

(Ord. 263, passed 10-10-1966)

§ 112.30 EXHIBITION OF LICENSE.

The license issued under this subchapter shall be posted conspicuously in the place of the business named therein.

(Ord. 263, passed 10-10-1966)

§ 112.31 LICENSE FEE.

The licensee under this subchapter shall pay a fee of \$25 per term of license.

(Ord. 263, passed 10-10-1966)

§ 112.32 TERM OF LICENSE.

The term of license so granted shall be six months from the date of issuance.

(Ord. 263, passed 10-10-1966)

§ 112.33 TRANSFER.

No license shall be transferred without the written consent of the Mayor as evidenced by endorsement on the face of the license showing to whom the license is transferred and the date of the transfer.

(Ord. 263, passed 10-10-1966) Penalty, see § 10.99

§ 112.34 DUTY OF POLICE TO ENFORCE.

It shall be the duty of the police officers of the City of Union to examine all places of business subject to the provisions of this subchapter, to determine if this subchapter has been complied with and to enforce the provisions of this subchapter against any person found to be violating the same.

(Ord. 263, passed 10-10-1966)

§ 112.35 REVOCATION OF LICENSE.

(A) The license issued pursuant to this subchapter may be revoked by the Council of the City of Union, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any violation of this subchapter;
- (3) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude;

(4) Conducting the business or enterprise licensed hereunder in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; and

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the ground of the complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for the hearing. (Ord. 263, passed 10-10-1966)

§ 112.36 APPEAL.

(A) Any person aggrieved by the decision of the Council in regard to the denial of application for license as provided for in § 112.28, or in connection with the revocation of a license as provided for in § 112.35, shall have the right to appeal to the Council of the City of Union.

(B) The appeal shall be taken by filing with the Council within 14 days after notice of the decision by the Council of revocation has been mailed to the persons last known address, or after notice of denial of application, a written statement setting forth the grounds for the appeal.

(C) The Council shall set the time and place for a hearing on the appeal, and notice of the hearing shall be given to the person in the same manner as provided for in § 112.35 for notice of hearing upon revocation.

(D) The order of the Council on appeal shall be final. (Ord. 263, passed 10-10-1966)

§ 112.37 EXPIRATION OF LICENSE.

All licenses issued under the provisions of this subchapter shall expire at midnight of the last day of the term for which the license is issued. (Ord. 263, passed 10-10-1966)

§ 112.38 APPLICATION TO EXISTING OPERATION.

In the event that any business or enterprise as defined herein shall be in operation at the time this subchapter shall become effective, the business or enterprise shall come within the provisions of this subchapter. However, the persons engaging in the business shall have ten days from the effective date of this subchapter within which to comply with the provisions contained herein.

(Ord. 263, passed 10-10-1966)