Chapter

 **110. BUSINESS REGISTRATION**

**110-01A AMENDING WESTON CITY CODE TITLE XI, CHAPTER 110 RELATING TO BUSINESS REGISTRATION, AND DELCARING AN EMERGENCY**

 **111. JUNKYARDS AND OPEN AREA AUTO WRECKING BUSINESSES**

 **112. TRANSIENT MERCHANTS**

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 **CHAPTER 110: BUSINESS REGISTRATION**

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**110.01   REGISTRATION REQUIRED**

Any individual, firm, company or corporation that engages in or operates for gain any business, trade, profession or calling must register with the City and pay required fees.

A person who carries on or engages in a business that is illegal under applicable City, state, or federal laws is prohibited from being issued a business license.

As used in this Section, “person” means domestic or foreign corporations, cooperative corporations, associations, syndicates, partnerships, limited liability companies, professional liability companies, joint ventures, non-profits, individuals, or groups of individuals.

As used in this section, “business” means any profession, trade, or occupation carried on for a livelihood or profit, unless specifically exempted from a business license requirement under this Code or by other state or federal law.

This prohibition does not apply to a medical marijuana facility registered with the Oregon Health Authority pursuant to ORS 475.300-475.346, provided the facility is in compliance with location and zoning requirements described in Oregon Administrative Rules (OAR) 333-008-1020 and OAR 333-0089-1110, and any other restrictions on time, place, and manner of operation imposed by the City of Weston.

Violation of this section is a class “A” violation as defined in ORS Chapter 153.

 (Prior Code, Section 2-101) Penalty, see Section 10.99

 Amended May 2015

**SECTION 2 Declaration of Emergency**

 This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect on its passage

(Revised and Approved on June 10, 2015)

**110.02   FEE**

Business registration fees are established by the City Council and shall be provided in the City Fee Schedule. All fees associated with the registration must be paid at the time of application. No application shall be processed until the fees have been paid to the city.

 (Prior Code, Section 2-102)

**110.03  APPROVAL OF CITY**

All applications for registration and renewal of registration require approval of the City Recorder.

Registration applicants may submit a written request to the City Recorder for a temporary registration not to exceed sixty (60) days. The written request must describe the circumstances that prompted the request. The applicant must file the normal application and pay the associated fees prior to making the temporary registration request.

 (Prior Code, Section 2-103)

**110.04   INFORMATION INCLUDED ON REGISTRATION**

Every registration issued shall bear the name of the person, firm, company or corporation to whom it is issued, the activity being registered, and the location at which the registrant will be engaged in the activity covered in the registration.

Every registration shall provide primary and secondary after-hours emergency contact information to the City Hall. All hazardous material and/or items that may pose a risk to public safety during daily operations, natural disaster or structure fire will be reported in writing to appropriate public safety agencies.

 (Prior Code, Section 2-104); Penalty, see Section 10.99

**110.05  TRANSFER**

No registration issued hereunder shall be transferable to any other person, firm, company or corporation. No one shall conduct a business for which registration is required at the location indicated on the registration issued except the person, firm or corporation to whom the registration has been issued.

Violation of this section shall be a class “A” violation as defined in ORS Chapter 153.

 (Prior Code, Section 2-105); Penalty, see Section 10.99

**110.06  REGISTRATION REQUIRED FOR EACH BUSINESS**

Where more than one business, trade or calling is carried on by an individual, firm, company or corporation, for which registration is required herein, registration shall be obtained for each business, trade, calling or employment.

 (Prior Code, Section 2-106); Penalty, see Section 10.99

**110.07  REGISTRATION PERIODS FOR CERTAIN BUSINESSES**

 Registration for all business, trades or professions shall be issued for a period of one (1) year and shall expire on the last day of June of each year.

 (Prior Code, Section 2-107); Penalty, see Section 10.99

**110.08   REVOCATION; SUSPENSION**

1. Revocation: The City Council may revoke any registration issued under this chapter if the registrant has been found guilty of violating these or any other provisions of the Code, or of any state or federal law, or when in the opinion of the City Council the conduct of any business, occupation or employment is contrary to public health, safety or welfare or is conducted in other than an orderly manner and without proper supervision by the registrant. The reason or reasons for the revocation shall be recorded in the meeting minutes of the City Council.

Any registrant for whom the Council is considering revocation shall be provided with notice and an opportunity for a hearing. Notice shall be given by the City Recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the registrant at his or her last known address at least five (5) days prior to the date set for the hearing, or shall be delivered by an authorized City official at least three (3) days prior to the date set for the hearing.

Following the hearing, the City Council shall make a determination on the revocation, which determination shall be final.

(B) Suspension: At the discretion of the City Council or Municipal Court, in addition to any fine, the operation of any business, calling or occupation by a person in violation of this chapter may be suspended for up to (60) days for each violation.

(C) Suspension for Public Safety: City law enforcement or Code enforcement personnel may administratively order a temporary suspension up to sixty (60)-days of any registration upon reasonable finding that a business engages in activities outside the scope of its registration or which may pose a risk to public safety; or if there are five (5) or more calls for law enforcement service at the registration location within a sixty (60)day period; or the severity of circumstances requiring the calls for service may negatively impact human safety, the livability of the city, or health and safety concerns.

If a temporary suspension is ordered under this Section, the registrant will be required to provide to the City Council written documentation of their plans to mitigate the circumstances causing the suspension. The City Council will consider the documentation and shall determine whether to continue or terminate the suspension, or whether the registration should be revoked.

 (Prior Code, Sections 2-109, 2-110)

**110.09   CARD PLAYING**

No places where cards are played shall contain booths or private rooms and all doors leading into such place shall be unlocked whenever cards are being played or the place is open for business.

 (Prior Code, Section 2-108); Penalty, see Section 10.99

 **CHAPTER 111: JUNKYARDS AND OPEN AREA AUTO WRECKING BUSINESSES**

Section

111.01 Definitions

111.02 Prohibited establishment

111.03 Notice

111.99 Penalty

**111.01   DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**City:**  The City of Weston, Umatilla County, Oregon.

**Junkyard**:  Any place, yard or enclosure dealing in the business of buying, selling, trading or disposing of any worn out or discarded materials in general that may be turned to some use, including, but not limited to, old iron or other metals, glass, paper, cartage, rubbish, rope, chain, machinery, parts of machinery, bottles and any other waste or discarded material which may be, or attempted to be, treated or prepared so as to be used again either in the same or some other form.

**Person**:  Any person, firm, partnership, association, company or organization of any kind.

**Vehicle Wrecking Yard**:  Any open or uncovered area used for the storage of disabled motor vehicles of any nature that may be maintained by the property owner, renter or leaseholder of the real or reconstructing other motor vehicles or parts thereto.

(Prior Code, Section 2-111)

**111.02   PROHIBITED ESTABLISHMENT**

No Person shall establish or maintain any junkyard or motor vehicle wrecking yard within the corporate limits of the City.

(Prior Code, Section 2-112); Penalty, see Section 111.99.

**111.03   NOTICE**

Any person in violation of this chapter shall be notified of the violation by the City Recorder, who shall perfect the notice by serving upon the person a copy of the notice or by posting a copy thereof upon the premises of the junkyard or motor vehicle wrecking yard. The notice referred to in this section shall contain a reference to this chapter, a brief description of the violation, and a demand that the violation cease and be remedied within fifteen (15) days from the delivery of the notice or the posting thereof.

(Prior Code, Section 2-113)

**111.99   PENALTY**

Violation of this ordinance for each full or partial calendar day shall be a class “A” violation as defined in ORS Chapter 153.

 (Prior Code, Section 2-114)

**CHAPTER 112: TRANSIENT MERCHANTS**

Section

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**112.01   DEFINITIONS**

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Canvasser or Solicitor**: Any person, whether a resident of this City or not, who goes from house to house, from place to place or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery or for service to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the order or whether or not he or she is collecting advance payments on such orders. This definition shall include any person who, for himself or herself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad box car, hotel room, lodging house, apartment, shop or other place within the city for the primary purpose of exhibiting samples and taking orders for future delivery.

**Peddler**:  Any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchase or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler. **Peddler**shall include the words **hawker** and **huckster**. It shall not include the vendor of milk, bakery products, groceries or ice who distributes his or her products to regular customers on established routes.

**Person**:  Any natural person, firm, partnership or corporation, association, club or society or any other organization.

**Transient Merchant:**  Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in the temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicles, trailer, tent, railroad box car or public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city for the exhibition and sale of goods, wares and merchandise, either privately or at a public auction. This definition shall not be construed to include any person, firm or corporation who, while occupying the temporary location does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with these provisions merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting transient business in connection with, as a part of or in the same name of any local dealer, trader, merchant or auctioneer.

(Prior Code, Section 2‑200); (Ord. passed 8-19-1999)

**112.02   REGISTRATION REQUIRED**

It shall be unlawful for any Peddler, Canvasser or Solicitor, or transient merchant to engage in any business within the City without first registering with the City.

(Prior Code, Section 2‑201)  (Ord. passed 8-19-1999)  Penalty, see Section 10.99

**112.03   EXCEPTIONS**

This chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers, nor to newsboys, nor acts of resident merchants or their employees, in delivering goods in the regular course of business; nor shall this chapter be held to include or apply to any producer or his or her employee, selling agricultural or farm products from the soil of the state by the producer or his or her employee; nor shall these sections apply to the selling of nursery products by the producer thereof from the soil of the state. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction pursuant to law.

(Prior Code, Section 2-202)  (Ord. passed 8-19-1999)

**112.04   APPLICATIONS**

Registration with the City Recorder shall include a sworn application in writing on a form furnished by the City Recorder which shall give the following information:

(A) Name and physical description of applicant;

(B) Complete permanent home and local address of the applicant, and in the case of transient merchants, the local address from which proposed sales will be made;

(C) A brief description of the nature of the business and the goods to be sold;

(D) If employed, the name and address of the employer, together with credentials established by the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) The source of supply of the goods or property proposed to be sold or orders taken for the sale thereof. Where goods are located at the time of application is filed, and the proposed method of delivery;

(G) At the time of filing application, a fee, as set by the City Council, shall be paid to the City Recorder to cover the cost of investigation of the facts stated therein.

(Prior Code, Section 2‑203)’ (Ord. passed 8-19-1999)

**112.05   RELIGIOUS, CHARITABLE AND EDUCATIONAL ORGANIZATIONS; EXEMPTIONS**

(A) Any organization, society, association or corporation desiring to solicit or have solicited in its name, money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or so solicited from persons other than members of the organization, upon the streets, in an office or business building, by house to house canvass or in public places for a charitable, educational, religious, patriotic or philanthropic purpose shall be exempt from the provisions of Sections 112.04 and 112.06, provided there is filed a written, sworn application on a form to be furnished by the City Recorder which shall give the following information;

(1) Name and purpose of the cause for which permit is sought;

(2) Names and addresses of the officers and directors of the organization; and

(3) Whether or not any commission, fees, wages or emoluments are to be expended in connection with the solicitations and the amount thereof.

(B) Upon being satisfied that the organization, association or corporation is a religious, educational, charitable or philanthropic organization, the City Recorder shall issue a registration without charge to the organization, association or corporation to solicit within the city. The organization or corporation shall furnish all of its members, agents or representatives conducting solicitation, credentials in writing stating name of the organization, name of the agent and purpose of solicitation.

(Prior Code, Section 2‑204)’ (Ord. passed 8-19-1999)

**112.06   FEES**

(A) Fees shall be fixed by the City Council by resolution, and may in like manner be amended or altered from time to time at the discretion of the City Council. The City Council may establish separate fees for the applicants who own real or personal property located within the City used for the business which registration is made and which property is on the tax rolls of the City or who are agents or representatives of a person, firm or corporation who owns property located within the city used primarily for the business for which registration is made and which property is on the tax rolls of the City; and applicants for whom these criteria do not apply.

(B) The fees established by the City Council shall be assessed on a calendar year basis. On or after July first the amount of the fee for an annual registration shall be one‑half the amount stipulated above for the remainder of the year. Resident registrants may pay the annual fee in quarterly installments, in advance.

(C) Registration fees shall not be applied so as to create an undue burden upon interstate commerce. Any applicant who believes that the registration creates such an undue burden may apply to the City Recorder for reconsideration of the fee so that it shall not be discriminatory, unreasonable or unfair to such commerce.

The application may be made before, at, or within six months after payment of the prescribed

registration fee. The applicant shall, by affidavit and supporting testimony, show his or her method of

business and the gross volume of business and such other information as the City Recorder may deem

necessary in order to determine the extent, if any, of undue burden on commerce. The City Recorder

shall then conduct an investigation, comparing the applicant’s business with other businesses of like

nature, and shall make findings of fact from which he or she shall determine whether the fee is unfair,

unreasonable or discriminatory, or, if the fee has already been paid, shall order a refund of the

amount over and above the fee so fixed. In fixing the fee the City Recorder shall may use any method

which shall assure that the fee assessed shall be uniform with that assessed on businesses of like

nature, so long as the amount assessed does not exceed the fees prescribed by the City Council.

(Prior Code, Section 2‑206)  (Ord. passed 8-19-1999)

**112.07   LOUD NOISES AND SPEAKING DEVICES**

No registrant, nor any person on his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the streets, alleys, parks or other public places of the City or upon the private premises where sound of sufficient volume is emitted or produced therefrom may be plainly heard upon the streets, alleys, avenues, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such registrant proposes to sell.

(Prior Code, Section 2‑208)  (Ord. passed 8-19-1999)

**112.08   USE OF STREETS**

No registrant shall have any exclusive right to any location in the public streets, nor shall any registrant be permitted a stand thereon, nor shall any registrant be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. The judgment of a Law Enforcement or Code Enforcement officer exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Prior Code, Section 2‑209)  (Ord. passed 8-19-1999)

* 1. **EXHIBITION OF REGISTRATION; DUTY TO ENFORCE**
1. Registrants are required to exhibit their certificate of registration at the request of any citizen.
2. It shall be the duty of the City Law Enforcement or Code Enforcement officer to require any person seen peddling, soliciting or canvassing, and who is not known by the officer to be duly registered, to produce the person’s registration, and to otherwise enforce this chapter.

(Prior Code, Sections 2‑210, 2-211)  (Ord. passed 8-19-1999)

**Section 112.10   RECORDS**

The City Recorder shall be responsible for maintaining all business registration records.

(Prior Code, Section 2‑212)  (Ord. passed 8-19-1999)

**112.11   REVOCATION OF REGISTRATION**

(A) Registrations issued under this chapter may be revoked by the City Council after notice and hearing for any of the following causes:

 (1) Fraud, misrepresentation or incorrect statement contained in the application for registration;

(2) Fraud, misrepresentation or incorrect statement made in the course of carrying on his or her business as solicitor, canvasser, peddler, transient merchant or itinerant vendor;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor; or

(5) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in 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.

(B) Notice of hearing for revocation of registration shall be given as provided in Subsection 110.08.

(Prior Code, Section 2‑213)  (Ord. passed 8-19-1999)

**112.12   APPEAL**

Any person aggrieved by the action of the City Recorder or Enforcement Officer under this Chapter shall have the right to appeal to the City Council. The appeal shall be taken by filing with the City Council, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on the appeal and notice of the hearing will be given to the applicant in the same manner as prescribed in Subsection 110.08 for notice of hearing on revocation.

(Prior Code, Section 2‑214); (Ord. passed 8-19-1999)

**112.13   RE-APPLICATION**

A registrant whose registration has been revoked may reapply for registration not less than six (6) months after the final date of the revocation.

(Prior Code, Section 2‑215)  (Ord. passed 8-19-1999)

**112.14   EXPIRATION**

All annual registrations shall expire on the thirty-first (31st) day of December in the year issued, or upon such other date specified on the registration.

(Prior Code, Section 2‑216)  (Ord. passed 8-19-1999)

**112.15   VIOLATION**

Violation of this section shall be a class “A” violation as defined in ORS Chapter 153.

Each day’s violation of the provisions of this Chapter shall constitute a separate offense.

(Prior Code, Section 2‑217)  (Ord. passed 8-19-1999)

**CHAPTER 113: ALARM ORDINACE**

Section

113.01 Title

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113.10 Action to Recover Fines Authorized

113.11 Interpretation

**113.01 TITLE**

This ordinance or chapter shall be known as the Alarm Ordinance.

**113.02 PURPOSE AND SCOPE**

1. The purpose of this chapter is to protect the emergency services from misuse.
2. This chapter governs false alarms, and provides for punishment of violations.
3. The provisions of this ordinance shall apply only to systems located within the Weston city limits.

**113.03 DEFINITIONS**

**Alarm Business:** Any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

**Alarm System:**Any assembly of mechanical or electrical equipment arranged to signal an entry or other activity requiring urgent attention and to which police and/or fire personnel are expected to respond.

**Alarm User:** The person, firm, partnership, association, corporation, company or organization in control of any building, structure or facility where an alarm system is maintained.

**False Alarm:** An alarm signal eliciting a response by emergency personnel when a situation requiring a such response does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

**Police:**Includes any city, county, state, or tribal police.

**Fire:** Any firefighter from a local fire agency.

**Medical:**Any medic from a local fire or ambulance company.

**Officer:** Any public official in police, fire, or medical field.

**Umatilla County Dispatch Center:** The facility that receives emergency and general information from the public and dispatches the respective law enforcement, fire, and medical agencies using the facility.

**113.04 NUISANCE ALARMS**

1. Notwithstanding any other provision of law, a police officer, firefighter, and/or medical personnel responding to an alarm may disable the alarm when no responsible person is readily available to silence the alarm and the alarm is disturbing the peace, health, or repose of the neighbors.
2. The police officer, firefighter, and/or medical personnel must use the least destructive method reasonably available to disable the alarm, and shall provide written notice to the property owner or occupant of the time and reason the alarm was disabled. The written notice shall be posted upon the main entrance of the residence or business.
3. If the police officer, firefighter, and/or medical personnel forces entry into a building or residence to disable the alarm, prior to leaving the Officer will take all reasonable steps to secure the business or residence from further entry or damage, unless the owner or other responsible person is present on the scene prior to the departure of the Officer.

**113.05 USER INSTRUCTIONS**

1. Every Alarm Business operating within the City of Weston shall furnish the user with instructions for operating the alarm system properly and to obtain service for the alarm system at any time.
2. Every Alarm Business operating within the City of Weston shall provide every user a notice outlining the consequences of generating false alarms, including possible fines, and such other forms and notices as required by the City of Weston.
3. Any user installing an Alarm System within the City of Weston must sign a consent to search form allowing, Police, Fire, and Medical personnel to enter upon the property when the alarm is active.

**113.06 FALSE ALARMS**

Any Alarm System that that makes a False Alarm within a twelve (12) month period shall be subject to the following:

1. First and second False Alarm: No fine
2. Third and subsequent False Alarms: See fee schedule

**113.07 FAILURE TO PAY FEES**

1. Failure to pay any False Alarm fine may cause the user to forfeit further responses by emergency personnel to any alarm.
2. The alarm user shall be notified by first-class and certified mail of the amount of fine due and that failure to pay may forfeit further responses from emergency responders to alarms at that property. The alarm user shall have fourteen (14) days from the date of the letter to make arrangements with the City for payment. If the fines remain unpaid and no payment arrangements have been made at the expiration of fourteen (14) days after the date of the notice of non-payment, the City shall notify the Umatilla County Dispatch Center of the nonpayment and request that the property be flagged for non-response on any additional alarms generated at the property until the fines are paid.
3. Any alarm user who has been notified of a false alarm, or assessed a false alarm fine may, within two (2) weeks after being notified that an alarm was determined to be a false alarm, appeal to the City by giving written notice to the City Recorder. The City Council shall conduct a hearing as soon as possible, after providing written notice to the appellant. The City Council shall render a decision within one (1) week after the hearing.

**113.08 ALLOCATION OF REVENUES AND EXPENSES**

1. All fines collected pursuant to this chapter shall be set aside solely for administration of this ordinance and the City Hall shall maintain records sufficient to identify the sources and amounts of the revenue.
2. Fees shall be established by the City Council in the City’s Fee Schedule.

**113.09 ENFORCEMENT AND PENALTIES**

This Chapter may be enforced as provided in the Weston City Code, or by civil action as provided in ORS 30.310 and 30.315 or ORS 221.315.

The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the fine(s).

**113.10 ACTION TO RECOVER FINES AUTHORIZED**

The City Council may file an action on behalf of the city to collect delinquent fines arising from this chapter. If the City prevails in an action filed under this section, the City shall be entitled to reasonable attorney’s fees and costs.

Nothing in this section shall be construed as restricting the authority of the City to enter into a settlement of the dispute, including waiving some or all amounts due the City. The authority to settle a disputed amount under this chapter is delegated to the City Recorder with the advice and consent of the City Council.

Nothing in this section shall prevent the City from using any other lawful method for collection of amounts due for fees and penalties under this chapter, including turning assigning the debt to a collection agency.

**113.11 INTERPRETATION**

This Chapter shall be liberally construed to effect its purpose and to achieve uniform interpretation and application of City ordinances.