

ORDINANCE NO. 849

AN ORDINANCE AMENDING, RESTATING, AND REPLACING ORDINANCE NO. 498, COMMONLY KNOWN AS THE "BUSINESS LICENSE ORDINANCE," WHICH ORDINANCE REQUIRES LICENSES FOR TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, AND CERTAIN OTHER BUSINESSES FOR THE PURPOSE OF REVENUE AND REGULATION, AND DECLARING AN EMERGENCY.

WHEREAS, the Madras City Council enacted Ordinance No. 498, commonly known as the "Business License Ordinance," on September 24, 1991 to provide revenue to pay for the expense required to issue licenses, to provide revenue to pay for municipal services to businesses, and to regulate businesses (the "Original Ordinance");

WHEREAS, the City Council has determined that the Original Ordinance is outdated, difficult to administer, and must be amended, restated, and replaced; and

WHEREAS, by the adoption of this Ordinance No. 849, the Madras City Council hereby amends, restates, and replaces the Original Ordinance in its entirety.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: PURPOSE

The primary purpose of this Ordinance is to (a) insure that each Business is conducted in compliance with applicable federal, state, and local laws, regulations, and ordinances and in a manner comporting with the public health, safety, and general welfare, (b) secure revenue to assist in defraying the City's cost of administering and enforcing its laws and ordinances and the City's provision of certain municipal services, and (c) obtain valuable information for emergency responders, planning and building personnel, and economic development.

SECTION 2: DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings assigned to them below:

"Applicant(s)" means the Person applying for a License to conduct a particular Business within the City.

"Business(es)" means any activity, trade, profession, occupation, and/or pursuit operated, engaged, conducted, and/or carried on for profit, gain, livelihood, and/or any other purpose, regardless of the form under which the activity, trade, profession,

occupation, and/or pursuit is operated, engaged, conducted, and/or carried on (e.g., sole proprietor, partnership, corporation, limited liability company, limited liability partnership, etc.) within the City. This definition includes, without limitation, the ownership, management, leasing, and/or operation of Rental Property within the City.

“City” means the City of Madras, Oregon, an Oregon municipal corporation.

“City Administrator” means the City Administrator of the City and/or his or her designee(s).

“City Council” means the City’s elected legislative body.

“City Recorder” means the City Recorder of the City and/or his or her designee(s).

“Community Event(s)” means The Air Show of the Cascades, special community events held at the Jefferson County Fair complex, the Madras Saturday Market, and any other special community events receiving the prior approval of the City Administrator or City Council to be exempt from the License requirements under this Ordinance.

“Dwelling Unit(s)” means a single-family residence (e.g., single-family home, apartment unit, duplex unit, multiplex unit, etc.) that is used as a home or residence by one person who maintains a household or by two or more persons who maintain a common household.

“License(s)” means the permission granted by the City under this Ordinance to operate, engage, conduct, and/or carry on a Business within the City.

“Licensee(s)” means an Applicant who has received a License.

“License Fee(s)” means the License fees described under Section 8 of this Ordinance.

“Non-Profit Organization(s)” means any Business or organization which is exempt from taxation under the Internal Revenue Code and produces a determination letter of proof thereof.

“Ordinance” means this Ordinance No. 849.

“Person” means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, incorporated organization, or any other entity, whether acting in an individual, fiduciary, or other capacity.

“Rental Property” means a building or structure, a portion of a building or structure, or group of buildings or structures within the City which are rented, leased, let, and/or otherwise made available to one or more Persons for compensation (regardless of the form of compensation), including, without limitation, a Dwelling Unit, hotel or motel, warehouse, commercial building, retail center, industrial building, and/or apartment building.

“Seasonal Business” means a Business that meets each of the following conditions: (a) the Business is operated or conducted within the City for a period of not more than ninety (90) days during any calendar year; (b) the Business occurs wholly or primarily during one of the four seasons (e.g., spring, summer, fall, or winter); and (c) the Business occurs solely on private property, unless the Business is a mobile vendor that is otherwise authorized to operate on the public right-of-way.

“Temporary Business” means a Business that meets each of the following conditions: (a) the Business is operated or conducted within the City for less than thirty (30) days; and (b) the Business occurs solely on private property.

“Year-Round Business” means a Business other than a Seasonal Business or Temporary Business.

SECTION 3: BUSINESS LICENSE REQUIRED

3.1 Except as otherwise exempted under Section 4, no Person may establish, maintain, operate, engage, conduct, and/or carry on any Business within the City without first applying for and obtaining a License and paying the prescribed License Fee. No Person with actual, present supervisory control of any Business for which a License is required under this Ordinance may permit, direct, and/or allow the operation or continuation of such Business at any time when there is not then in full force and effect a License issued pursuant to and in accordance with the provisions of this Ordinance.

3.2 The City has three types of Licenses, namely a Year-Round Business License, Seasonal Business License, and Temporary Business License.

3.3 It is the intention of this Ordinance to require that a License be obtained by the owner, partner, and/or operator of the Business and not by any person whose income consists of an hourly, daily, weekly, monthly, and/or annual salary or wage

paid to such person by the owner, partner, and/or operator of the Business. Notwithstanding the immediately preceding sentence, each employee, agent, and/or representative of a Person who has no regular place of Business within the City but engages or conducts a Business within the City is responsible for the compliance of such employee's, agent's, and/or representative's principals and the Business such employee, agent, and/or representative represents.

3.4 Non-Profit Organizations must obtain a License but will be exempt from paying any License Fee (i.e., will not be required to pay any License Fee).

3.5 If a Person is establishing, maintaining, operating, engaging, conducting, and/or carrying on a Business at more than one establishment, branch, and/or location within the City, each such establishment, branch, and/or location will be deemed a separate Business and must be licensed as required under this Ordinance.

3.6 A Person engaged in the Business of renting or leasing Rental Property is not required to have more than one License unless such person has more than one Business office within the City as provided under Section 3.5.

3.7 If more than one Business is carried on at the same premises or location by all the same owners, one License issued in the name of the Business for which the premises or location is primarily used will be sufficient for all such activities. In determining whether different activities on the same premises are related to the primary use within the meaning of this Section 3.7, normal and ordinary custom and usage of businesses of like nature will be considered.

3.8 A Business leased, under concession to, or owned wholly or in part by different Persons on the same premises must be separately licensed.

SECTION 4: EXEMPTIONS

Notwithstanding anything contained in this Ordinance to the contrary, the Businesses or situations identified in this Section 4 are exempt from the requirement of obtaining a License under this Ordinance. A Person asserting an exemption under this Section 4 has the burden of establishing eligibility for the exemption.

4.1 Any Business, except a Non-Profit Organization, that is exempt from paying local business license fees or taxes by federal or state laws or regulations;

4.2 Religious institutions and governmental agencies;

4.3 Newspaper carriers;

4.4 Garage sales, yard sales, and other similar activities conducted, carried on, and/or operated by an individual; provided, however, such exemption will not apply if either of the following conditions are met: (a) the individual conducts, carries on, and/or operates more than five such sales within any calendar year; or (b) any one such sale has a duration of more than seventy-two (72) consecutive hours;

4.5 The sale of an individual's personal assets (e.g., personal automobile, residence, appliance, or other similar items); provided, however, such exemption will not apply if such sales are conducted on a regular and continuing basis;

4.6 Any Person who rents or leases four or fewer Dwelling Units;

4.7 An independent contractor (e.g., medical care provider, attorney, accountant, stylist, realtor, and similar professions) who works only on the premises of and as part of a Business that has obtained a License that covers the activity of the independent contractor; provided, however, if the owner of the Business has not obtained a License to cover such independent contractor, the independent contractor is required to obtain a License under this Ordinance;

4.8 A public utility that is a party to a franchise agreement with the City and is paying a franchise fee to the City under such franchise agreement; and

4.9 An organizer of and participant in a Community Event, but only with respect to the particular Community Event.

SECTION 5: COMPLIANCE WITH LAWS

5.1 No License will be issued to any Applicant concerning any Business that is prohibited by federal, state, and/or local law, regulation, and/or ordinance. Each Business must be conducted and comply with applicable federal, state, and/or local laws, regulations, and/or ordinances.

5.2 The issuance of a License does not authorize a Business to operate in violation of any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a License by the City is not evidence that the Applicant and/or Business is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a License will not be construed to constitute a permit to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory

or license requirement imposed by any federal, state, and/or local laws, regulations, and/or ordinances.

SECTION 6: BUSINESS LICENSE APPLICATION REQUIREMENTS

Each Person desiring to engage in a Business for which a License is required under this Ordinance must apply for a License to operate, engage, conduct, and/or carry on the Business on such forms and in such manner as the City Administrator may prescribe. The application must be accompanied by the applicable License Fee prescribed by resolution of the City Council. The application must be filed with the City Administrator and, in addition to any other information reasonably requested by the City Administrator, must contain the following information:

6.1 The name and address of the Business, the address(es) where the Business will be located or have its office(s) within the City, and the address of the principal office of such Business;

6.2 A brief description of the nature of the Business, including its primary or predominant Business activity;

6.3 The date that Business operations will commence;

6.4 The name and address of the Applicant and, if the Applicant is an entity, the name and address of the authorized agent submitting an application on behalf of the Applicant;

6.5 The name and address of the local agent or representative who will be in charge of the Business within the City;

6.6 If the Applicant is a foreign Person or a non-resident of the State of Oregon and no permanent Business location is proposed to be created in the City, the Applicant must appoint a local person, acceptable to the City Administrator, as an agent for accepting service of process, notice, and/or demand. The Applicant must submit with the application the agent's consent to acceptance of service of process, notice, and/or demand;

6.7 Whether any local, city, county, state, and/or federal licenses, certificates, registrations, and/or permits are required for the Business (and the identification of such licenses, certificates, registrations, and/or permits);

6.8 The number of full-time, part-time, and temporary employees employed by the Business;

6.9 The date of the application;

6.10 The amount of money tendered with the application;

6.11 A verification by signature of the Applicant or, if the Applicant is an entity, the signature of the authorized agent submitting the application on behalf of the Applicant, of the following: (a) the information stated in the application is true, accurate, and complete; (b) the Business is in compliance with all applicable federal, state, and/or local laws, regulations, and/or ordinances; (c) the Applicant or authorized agent of the Applicant has read, understands, and agrees to abide by this Ordinance; and (d) if the Applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the Applicant;

6.12 A notice that the application is a public record and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505, as amended) and other applicable laws; and

6.13 Any other information that the City Administrator deems necessary or appropriate to enable the City to review the application and determine whether the Business qualifies for the issuance of a License, including, without limitation, verification of the identity of the Applicant or authorized agent submitting an application on behalf of the Applicant.

SECTION 7: REVIEW OF BUSINESS LICENSE APPLICATION

7.1 Any application for a License required by this Ordinance will be reviewed by the City Administrator. The City Administrator is authorized to make an investigation of the Business and will review the application and conduct whatever investigation the City Administrator deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the Business complies with this Ordinance.

7.2 After completion of the City Administrator's review of the application (and the City Administrator's receipt of reports from all persons and departments designated by the City Administrator to review the application), the City Administrator will determine whether the Business qualifies for the issuance of a License. If the Business qualifies for a License, the City Administrator will issue the License to the Applicant for the subject Business. Seasonal Business Licenses that

concern a mobile vendor may be revoked at any time in the discretion of the City Administrator.

7.3 If, on the basis of the review of the application, the City Administrator determines that the Business does not qualify for a License, the City Administrator will notify the Applicant in writing that the application has been denied. The notice will state the reason for the denial and inform the Applicant of the Applicant's appeal rights under this Ordinance. As provided under Section 8.2, License Fees are refundable when the application for the initial issuance of the License is denied.

7.4 The City Administrator may deny the issuance of a License for any of the following nonexclusive reasons: (a) the Business does not or will not comply with applicable federal, state, and/or local laws, regulations, and/or ordinances; (b) the Business does or will endanger or damage the health, safety, and/or general welfare of persons or property; (c) the Applicant fails to supply the information required, or submits misleading or false information, in connection with the application for the License; (d) the premises to be used by the Business does not fully comply with applicable federal, state, and local laws, regulations, and/or ordinances; and/or (e) prior to making the application, the Business was conducted within the City while this Ordinance was in effect without a current, valid License (unless an additional amount equal to the License Fee for the period during which the Business was conducted is paid).

7.5 In lieu of the City Administrator's denial of a License, the City Administrator may refer the application to the City Council for review by filing the application with the City Recorder together with a statement of the findings of any investigation authorized or required by the provisions of this Ordinance.

SECTION 8: LICENSE FEE

8.1 The License Fee for each type of License (Year-Round Business License, Seasonal Business License, and Temporary Business License) will be determined annually by resolution of the City Council. The amount of the License Fees may be increased or decreased at any time by resolution of the City Council. Any change in the License Fees will apply to a Licensee at the time of the initial issuance of the License or at renewal of the License but will not apply retroactively to a License already in full force and effect.

8.2 License Fees for a Year-Round Business are due and payable on or before July 1 for the period commencing on July 1 and ending on the immediately following June 30. The License Fee for a Year-Round Business that submits an application after January 1 of the subject License year but before June 1 will pay fifty percent (50%) of the Year-Round Business License Fee. Seasonal Business

Licenses and Temporary Business Licenses will not be prorated. License Fees are nonrefundable except when the application for the initial issuance of the License is denied.

8.3 The License Fee imposed under this Ordinance will be in addition to, and not in lieu of, any other license or permit fees, charges, and/or taxes imposed by the City.

8.4 The License Fee in Resolution 35-2012 will remain in full force and effect until superseded by resolution of the City Council.

SECTION 9: NO VESTED RIGHTS

Nothing contained in this Ordinance may be construed as vesting any right in a License or Licensee or a contract obligation on the part of the City, including, without limitation, any guaranteed minimum or maximum License Fee.

SECTION 10: CONTENTS OF LICENSE; POSTING AND DISPLAY OF LICENSE

Licenses will be issued to the Applicant for the Business to be licensed and will designate the general nature of the Business, the address of the Business premises, if any, and the date the License was issued and effective. Except as otherwise provided in this Section 10, at all times after the issuance of the License, each Licensee will post such Licensee's License in a conspicuous place upon the Business premises, available for inspection by the public and any employees and prospective employees of the Business. When a Licensee has no office, Business premises, and/or other established place of business within the City, the License must be in the possession of the agent or representative of the Business who is present in the City at all times during which business is being transacted by the agent or representative in the City. If a Licensed Business is based in a motor vehicle, a photocopy of the License must be carried in the motor vehicle.

SECTION 11: DURATION OF LICENSE

Subject to the provisions of this Ordinance, (a) Year-Round Business Licenses will be valid and effective from the date of issuance to the immediately following June 30, (b) Seasonal Business Licenses will be valid and effective for a period not exceeding ninety (90) days, and (c) Temporary Business Licenses will be valid and effective for a period not exceeding thirty (30) days.

SECTION 12: LICENSE RENEWAL AND LATE PENALTY

12.1 Subject to the provisions of this Ordinance, Year-Round Business Licenses will be renewable annually for one year beginning July 1, at which time the required License Fee will be due and payable. The City will send each Licensee of a Year-Round Business a notice of renewal, including the current License Fee prescribed by resolution of the City Council, on or about May 1. Subject to Section 12.3, a Licensee's Year-Round Business License will renew on July 1 provided the City is in receipt of the required License Fee. The effective date of the renewed Year-Round Business License will be July 1 if the License Fee is received on or before July 1. If the License Fee is not received on or before July 1, the effective date of a renewed Year-Round Business License will be the date the License Fee is received by the City. At the time of License renewal, each Licensee will provide the City with information concerning any updates or changes to the information required to be provided to the City under Section 6 of this Ordinance.

12.2 A penalty equal to ten percent (10%) of the License Fee for each month (or partial month, as the case may be) during which the License Fee remains unpaid, not to exceed one hundred percent (100%) of the License Fee amount, will be added to the License Fee.

12.3 Upon receipt of a License Fee for renewal, the City Administrator may make or cause to be made whatever investigation the City Administrator deems necessary or appropriate to determine whether the Licensee has, in all respects, conducted the licensed Business in compliance with applicable federal, state, and local laws, regulations, and ordinances. If the City Administrator finds no cause why the License should not be renewed, the City Administrator will issue a renewed License. If the City Administrator determines that the licensed Business does not qualify for renewal under this Ordinance, the City Administrator may deny such renewal or refer the License to the City Council for review and consideration. If the City Administrator denies the renewal, the City Administrator will notify the Licensee in writing that renewal of the License has been denied, which notice of denial will state the reason(s) for denial and inform the Licensee of the Licensee's appeal rights.

SECTION 13: TRANSFER OR ASSIGNMENT OF LICENSE; BUSINESS RELOCATION OR NAME CHANGE

13.1 No transfer or assignment of any License issued under this Ordinance is permitted and any attempted transfer or assignment of a License will render the License null and void. Upon sale or other transfer of a Business, the new owner(s) must apply for and obtain a new License and pay the prescribed License Fee.

13.2. If a licensed Business changes its physical location or Business name, the Licensee must, within ten (10) days of the change of physical location or Business name, notify the City Administrator of the change and pay a fee for the change in an amount prescribed by resolution of the City Council. The aforementioned change fee will be determined annually by resolution of the City Council and such fee may be increased or decreased at any time by resolution of the City Council. Upon receipt of the notice of the change and required fee, the City Administrator will issue a License reflecting the new physical location or Business name.

SECTION 14: UNLAWFUL ACTS AND VIOLATIONS; PENALTY

It is unlawful for any Person to willfully make false or misleading statements to the City in connection with any requirement of this Ordinance, or to fail to comply with any of the provisions of this Ordinance, or to fail to pay any required fees or penalties, including, without limitation, any License Fee.

The conviction of a Person for violation of any provision of this Ordinance may not serve to relieve the Person from paying the fee or penalty for which the Person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this Ordinance.

Violation of, or failure to comply with, any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. In addition to the civil infraction procedure, the City may file a civil action to recover unpaid fees or, after mailing notice via certified mail to the Licensee, the City may place a lien against the real property where the Business is located for the amount of the fee plus interest. The City will be entitled to collect from any Person violating or otherwise failing to comply with this Ordinance the City's reasonable attorney fees and other fees, costs, and expenses incurred by the City to enforce this Ordinance.

Each violation of a provision of this Ordinance will constitute a separate offense and each day that a violation of this Ordinance is committed or permitted to continue, including, without limitation, each day that a Business operates without a required License, will constitute a separate offense. The rights and remedies imposed by this Ordinance are in addition to and not in lieu of any other rights and remedies available to the City. If any provision of this Ordinance is violated by a firm, corporation, limited liability company, or any other legal entity, the officers, members, managers, shareholders, and/or directors (as the case may be) will be personally subject to the penalties imposed by this Ordinance.

SECTION 15: SUSPENSION, REVOCATION, AND REVIEW OF LICENSE

15.1 If the City Administrator determines that a licensed Business presents an immediate danger to the health, safety, and/or general welfare of persons or property, the City Administrator may suspend the License of such Business upon the City Administrator's delivery of a notice of suspension to the Licensee's address as stated on the Licensee's application. The notice will state the reason for the suspension and inform the Licensee of its appeal rights under this Ordinance. The City Administrator may continue the suspension so long as the reason for the suspension exists or until a determination on an appeal regarding the suspension is made under this Ordinance.

15.2 A License issued under the provisions of this Ordinance may be revoked by the City Administrator for any of the following non-exclusive causes:

- (a) fraud, misrepresentation, and/or false statement contained in the application for a License and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application for a License;
- (b) fraud, misrepresentation, and/or false statement made in the course of carrying on the licensed activity;
- (c) a violation of this Ordinance;
- (d) conducting the licensed Business in an unlawful manner and/or in such a manner as to constitute a breach of peace or menace to the health, safety, and/or general welfare of any persons or property; and/or
- (e) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with the City.

15.3 The City Administrator will notify the Licensee in writing that the License is revoked, which notice of revocation will state the reasons for the revocation and inform the Licensee of the Licensee's appeal rights under this Ordinance. The notice of revocation will be mailed to the Licensee at the Licensee's last known address at least ten (10) days before the revocation (the last known address of the Licensee is the address provided to the City by the Licensee on the Licensee's application unless the Licensee thereafter gives the City written notice of a different address). If the violation ends prior to the expiration of the aforementioned ten-day period, the City Administrator may discontinue the revocation proceedings.

15.4 If the City receives complaints about any Licensee's Business, the Licensee's License may be reviewed by the City Administrator.

SECTION 16: APPEAL PROCEDURE

16.1 Any Applicant whose application for a License has been denied, or any Person who believes he, she, or it is not required to apply for and obtain a License when the City Administrator determines the Person must apply for and obtain a License, or any Licensee whose License has been denied renewal, suspended, or revoked, may, within thirty (30) days after the notice of denial, suspension, revocation, or determination is mailed, appeal the denial, suspension, revocation, or determination in writing to the City Council.

16.2 The appeal must be submitted to the City Recorder and state (a) the name and address of the appellant, (b) the nature of the determination being appealed, (c) the reason the determination is incorrect, and (d) the determination the appellant believes is correct.

16.3 An appellant who fails to file a statement within the aforementioned thirty-day appeal period waives all rights to object to the determination.

16.4 The City Council will hear and determine the appeal on the basis of the written statement and any additional evidence the City Council considers appropriate or relevant, including any information provided by the City Administrator. The City Recorder will provide the appellant with written notice of the hearing on the appeal not less than ten (10) days prior to the hearing.

16.5 At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the City Council is final and conclusive.

16.6 If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal.

SECTION 17: ADMINISTRATION

The City Administrator is responsible for the administration of this Ordinance. The City Administrator may establish reasonable rules and regulations necessary or appropriate to carry out the purpose and intent of this Ordinance, including, without limitation, regulations concerning Seasonal Business Licenses and/or Temporary

Business Licenses. Variations of any rules and/or regulations established by the City Administrator pursuant to this Section 17 will be subject to the penalties described in this Ordinance. No person may violate or fail to comply with any rule or regulation established by the City Administrator or willfully make any false or misleading statement to the City Administrator regarding information relevant to the issuance of a License.

SECTION 18: AMENDMENT AND RESTATEMENT

This Ordinance amends, restates, replaces, and supersedes the Original Ordinance in its entirety; provided, however, the City may continue the prosecution, conviction, and/or punishment of a Person who violates the Original Ordinance prior to the effective date of this Ordinance.

Any Person with an existing License already in full force and effect must, upon the adoption of this Ordinance, comply with the provisions of this Ordinance; provided, however, that any such Person with an existing License is not required to apply for a new License upon the adoption of this Ordinance. Non-Profit Organizations operating in the City as of the effective date of this Ordinance must obtain a License on or before July 1, 2013; all other Non-Profit Organizations must obtain a License as required under this Ordinance.

SECTION 19: MISCELLANEOUS

19.1 Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will:

- a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and
- b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

19.2 Corrections. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

19.3 Emergency Declaration. The City Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the City's citizens by insuring that each Business is conducted in

compliance with any and all applicable federal, state, and local laws, ordinances, and regulations and in a manner comporting with the public health, safety, and general welfare. The City Council further finds that a delay of thirty (30) days prior to the effective date of this Ordinance may result in acts, omissions, and/or conditions detrimental to the public welfare. Therefore, an emergency is declared to exist and this Ordinance will be in full force and effect upon its adoption by the City Council and signing by the Mayor.

Passed by Council and Signed by the Mayor on December 11, 2012.