

# **CHAPTER 7**

## **BUSINESS**

**FOREST GROVE CODE**

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## CHAPTER 7

## BUSINESS

**BUSINESS LICENSE**

(Ord. 2008-01, 03/31/08)

**7.000****Short Title.**

The provisions of Code Sections 7.000 through 7.070, create the terms of the “Forest Grove Business License Code” and is referred to herein as “Business License Code” or “BLC”.

**7.005****Purpose and Scope.**

- A. The Forest Grove Business License Code facilitates the collection of information about businesses in the City. Emergency responders from the Police and Fire Departments are better able to respond effectively and safely to emergency situations at Forest Grove businesses when they have information about types of businesses and the contents of the structures in the City. Building Code compliance, Planning Code compliance, Fire Code compliance and Wastewater discharge compliance are enhanced by obtaining data from business license applications about structures in which businesses are located. Business demographic information is also necessary to promote economic development. The Business License Code is designed to obtain that information. The public health, safety and welfare are benefited by this Business Licensing Code.
- B. The annual business license fee imposed by the Business License Code is for revenue purposes only for municipal purposes and for the privilege of doing business in the City. The fees imposed shall be in addition to and not in lieu of any other license or permit fee(s), charge(s) or tax(es) required under any other Code Section or ordinance of the City or County or any State or Federal law.
- C. The annual business license required by the BLC shall not be construed to constitute a permit to engage in any activity prohibited by law nor a waiver of any regulatory or license requirement imposed by other provision(s) of City, Federal, State, Regional or Local law.

## 7.010

**Definitions.**

For the purposes of the Business License Code, the following terms shall, unless the context requires otherwise, mean as follows:

**Business.** Except as limited below, the term “business” means any enterprise, trade, activity, profession, occupation, private educational facility or any kind of calling carried on for profit or livelihood within the City including businesses and Rental Properties that offer to rent or lease three (3) or more residential rooms, units or structures, and commercial building rentals containing two (2) or more businesses. “Business” does not include the noncommercial on-premises sale of used household goods by a person who resides on the premises (a yard or garage sale) so long as the sales are conducted on no more than six (6) days in any twelve (12) month period.

**City.** The City of Forest Grove.

**City Manager.** The person appointed by the City Council to act as City Manager and for purposes of this Chapter includes a person designated by the City Manager to perform his or her functions.

**Commercial Building Rental.** A building, portion of a building, or a group of buildings on a parcel of land within the City containing two (2) or more businesses. A building or portion of a building containing two (2) businesses shall not be considered a “commercial building rental” if the owner of the building conducts or has a majority ownership of a business in a portion of such building.

**Community event.** An event which is open to the public and which is approved by the City Manager to use City street and sidewalk areas or held on private or public property with the consent of the owner or entity. Such event may involve a portion or all of the Central Business District (CBD), may last up to seven (7) consecutive days, or recur not more than once per week, must be determined by the City Manager to provide an overall community benefit, and must be sponsored by a service group or other organization, not an individual business.

**Doing Business.** An act or series thereof performed in the course or pursuit of a business activity on more than one (1) occasion or day in a calendar quarter and not as a one-time or isolated activity or event. A person is presumed to be “doing business” in the City and subject to the BLC if engaged in any of the following:

1. Advertising or otherwise professing to be doing business within the City;
2. Delivering goods or providing services to customers within the City;
3. Owning, leasing, or renting personal or real property within the City which is used in a trade or business;
4. Engaging in any transaction involving the production of income from holding property or the gain from the sale of property, which is not otherwise exempted in this Chapter. Property may be personal, including intangible or real in nature; or
5. Engaging in any activity in pursuit of gain which is not otherwise exempted in this Chapter.

Employee. A natural person who works for or on behalf of a business in exchange for compensation, not including those employees leased from another business, regardless of the number of hours per pay period or method of compensation. "Employee" includes, but is not limited to, a sales agent who works primarily for or under the direction of a principal or a broker.

Full-time equivalent employees (FTE). The number of employees of a business as calculated under Section 7.030.

Home Business. A business located and operated out of a person's home or domicile.

License or business license. The document issued by the City granting the privilege to carry on a business within the City.

Mobile business. Any business without a fixed location or which is operating from a self-propelled vehicle or which can be pushed or pulled on a sidewalk, street or highway on which food, goods or services is prepared, processed or from which food or other goods and then sold or dispensed to the public.

Non-resident business. A business operating in the City where the headquarters or main branch is located outside the City.

Person. Includes individuals and all domestic and foreign firms, corporations, associations, partnerships, joint ventures carrying on any business in the City.

Rental Property. A building, portion thereof or group of buildings within the City and which is rented, leased, let or made available for compensation for sleeping or living purposes. The term includes all multi-dwelling unit premises having three (3) or more dwelling units including hotels and motels, automobile or tourist courts, rooming or lodging houses, or mobile home and trailer parks. In the case of a mobile home or trailer park, the term “dwelling unit” refers to the space, pad or stall.

Secondhand dealer. A person engaged in conducting, managing or carrying on the business of selling goods and articles acquired by purchasing secondhand articles from others.

Solicitation. Any oral or written request to purchase or trade any product or thing; to request a contribution or donation of money or property for any purpose or cause; to request opinions or answers to surveys on any subjects; or, to request endorsement or support by petition any product, candidate or cause.

Solicitor. A person or persons engaged in solicitation.

Special event. An event specifically approved by the City Manager granting privileges for the use of street and sidewalk areas, or held on private or public property where goods or services are purchased or sold, excluding the noncommercial on-premises sale of used household goods by a person who resides on the premises (a yard or garage sale) so long as the sales are conducted on no more than six (6) days in any twelve (12) month period. Such event must be held within a specially defined area for a period of time not exceeding three (3) consecutive days.

Temporary or Transient Business. A person conducting or operating a business within the City for periods of less than sixty (60) consecutive days in any calendar year. Examples of temporary businesses include, but are not limited to: Christmas tree lots, fireworks and fruit/ vegetable/plant stands not part of a farmers market.

Temporary or Transient License. A business license issued for a term of up to sixty (60) days.

Transfer. To transfer the name of ownership or name of business. It shall not mean a change in business location.

## 7.015

**License Required.**

- A. Except as may otherwise be provided in subsections 7.015(F) through (G) below, any person doing business (including a home business or a temporary business) within the City shall first obtain a license and pay the required annual fee.
- B. Non-resident businesses must obtain a City business license and pay the required fees.
- C. Solicitor(s) must obtain a City business license and pay the required fees, except as may otherwise be provided in subsections 7.015(F) and (G). Additionally, solicitors must comply with Code Sections 7.405 through 7.420.
- D. Temporary Businesses and special events are subject to the provisions of Sections 7.105 through 7.130 and required to obtain a temporary business license and pay the fee specified by Council resolution.
- E. No person shall conduct business within the City as an employee, agent or representative of a business without first having obtained a valid City business license regardless of the locale of the principal office(s) of that business.
- F. The following businesses and activities need not obtain a business license but instead will be issued, at no cost, an "exemption certificate" which shall record the location, purpose and contact information of the business or activity if one is applied for:
  - 1. Churches and governmental agencies including publicly funded schools.
  - 2. Civic leagues or civic organizations operating exclusively for promotion of social welfare which may from time to time conduct business like activities on a temporary basis, the earnings of which are devoted exclusively to social welfare, religious and/or fraternal purposes.
  - 3. Independent contractors (such as medical care providers, beauticians and the like) working in a building where the owner has obtained a business license under one business name covering those located in the building engaged in like profession under the business name indicated on the license.
  - 4. Community events where a special event and other applicable permits have been granted by the City;
  - 5. Any business or occupation specifically exempt from the payment of a business license fee under the State or Federal law or Constitution;

6. Any business specifically exempted by Council;
  7. Producers of farm products raised in Oregon, and sold by them or their immediate families.
- G. The following businesses and activities neither need to obtain a business license nor an “exemption certificate”:
1. A service business operated by a person under the age of 18, such as lawn mowing, newspaper delivery, lemonade stand and the like;
  2. Solicitations for contributions or donations which are exclusively devoted to charitable, social welfare, religious, educational, political or fraternal purposes;
  3. Owner-occupied residential dwellings where two or fewer units or rooms are rented or leased for sleeping or living purposes;
  4. Utilities currently franchised by and paying a franchise fee to the City;
  5. A household or garage sale conducted consistent with the terms of the Business License Code.
  6. A contractor with a business license from Metro.
  7. Any activity specifically exempt from licensing under the State law or Constitution or Federal law or Constitution.

**7.020****Term.**

- A. A business license shall have a term of one (1) year.
- B. A business license shall be effective as of the date of issuance and expire on the last day of the same month twelve months therefrom to be renewed annually thereafter not later than the last business day of that month.
- C. An amended application or reapplication for a business shall be made (and be exempt from payment of additional fees), prior to the effective date of any of the events listed below:
  1. A change in ownership of the business.
  2. A change of business location.
- D. The business license is deemed expired:
  1. At the point in time the type of business listed on the business license ceases as a going concern.
  2. As specified in Section 7.020(B).
- E. A new application must be made, and fees paid when:
  1. A business license has expired.
  2. A material change in the type of business conducted occurs.

## 7.025

**Fees – Generally.**

- A. There is imposed upon all persons doing business in the City the requirement to pay a fee established by Council and obtain a business license for the privilege of doing business in the City.
- B. Each branch of a business shall obtain a separate business license, except for warehouses used in connection with a licensed business.
- C. The fee shall be due and payable on the application date of the business license. A fee shall be deemed delinquent thirty (30) days after it is due. License fees are not refundable.

## 7.030

**Fees – Calculation.**

The annual fee for a business license shall be set by Council resolution and be the combination of both a base amount and a charge for each full-time employee or full-time equivalent (“FTE”) employee, or blended into one fee, tiered by the number of FTEs. To determine the number of FTEs, the following apply:

- A. Employees normally working thirty-two (32) or more hours per week throughout the year shall be considered full-time and shall count as one (1) FTE.
- B. Employees working less than thirty-two (32) hours per week or who are temporary or seasonal employees shall be counted as one-half of an FTE.
- C. The annual business license fee shall be based upon the number of employees employed at the time of application for or renewal of a business license.
- D. For purposes of determining the number of full-time equivalent employees when renewing an existing business license, the count shall be based on the average of FTE employees during the previous twelve (12) month period.

## 7.035

**Application Procedure.**

- A. A person seeking a City business license, or renewal, shall submit an application for same on a form provided by the City. Application shall be made at least 30 days prior to the date the license is requested to be effective. The application shall contain information as the City Manager deems appropriate to determine the ownership, location, management, function, operations, contact information and other factors deemed appropriate by the City. A license may be denied if the applicant fails to supply required information or submits false or misleading information.

- B. On the basis of the application, the City Manager shall compute the fee consistent with the schedule of fees established by Council resolution.
- C. If more than one business takes place at the same location and is operated under the same ownership, or majority ownership, but operates under more than one (1) business name, one (1) application may be filed provided each business is clearly identified and all relevant information is included in the unified application.
- D. If a change of business ownership occurs, an amended application or reapplication shall be made and be exempt from payment of additional fees.
- E. A currently licensed business that physically relocates shall file an amended businesses license application, at no charge, to register the change of address.
- F. No such application shall be accepted by the City unless all information contained therein is complete and verifiable.

**7.040****License Issuance or Denial.**

- A. The City Manager shall issue or renew a business license upon approval of the application and receipt of all required fees and charges.
- B. The City Manager may deny issuance or renewal of a business license if the applicant fails to supply required information, pay required fees and charges or submits false or misleading information.

**7.045****Notice.**

In the event any person has failed to obtain a business license and is doing business in the City, the City's Code Enforcement Officer may:

- A. If the license required has an effective period in excess of one (1) day, send notice to such person at the person's place of business or residence notifying the person that a license must be secured within five (5) calendar days. If, after the five-day (5) period, the person has failed to secure the license, the failure constitutes a violation of this the BLC;
- B. If the license required has an effective period of one (1) day, notify the City's Police Department and the Police Department shall then notify such person that a license is required immediately. If the notified person refuses to secure a license and attempts to conduct such business, such conduct is a violation of the BLC.

**7.050****Limitations.**

No license required under this Chapter shall:

- A. Be assignable or transferable.
- B. Authorize a person other than the one named therein to operate the licensed business or activity.
- C. Authorize any other business or activity than set out in the license.

**7.055****Revocation of License.**

- A. In the event information supplied in the license application is found to be false or misleading, the City Manager may revoke the license issued.
- B. If the City Manager determines that grounds for revocation exist, the City Manager shall cause the licensee be noticed in writing of the revocation, stating the reasons therefore and informing the licensee of the appeal provisions of 7.060. Notice shall be mailed by first class mail, return receipt requested.
- C. The City Manager may discontinue the revocation proceeding if the basis for revocation is corrected.

**7.060****Appeal.**

- A. An applicant whose application to the City for a license has been revoked may, within ten business (10) days after notice of the revocation is received by them, appeal said action to the City Council.
- B. The appeal shall be in writing, and received by the City Recorder's Office not later than the twelfth (12<sup>th</sup>) business day after the notice is shown to have been received and set out the following:
  1. The name and address of the appellant;
  2. The nature of the determination being appealed;
  3. The reason the determination is incorrect; and
  4. What the correct determination of the appeal should be.
- C. Failure to have the appeal in the City Recorder's Office timely is a jurisdictional bar to the appeal.
- D. If a notice of revocation is timely appealed, the revocation does not take effect until final determination of the appeal. The Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate.

## 7.065

**Posting of License.**

- A. The license shall be posted in a conspicuous place upon the business premises, available for inspection by the public, City enforcement officers, employees and prospective employees of the business.
- B. The license for a mobile business shall be posted in a conspicuous place upon the vehicle or carried on the person doing business and be available for inspection by the public, City enforcement officers, employees and prospective employees of the business.
- C. The license for a solicitor shall be carried on the person doing business and be available for inspection by the public, City enforcement officers, employees and prospective employees of the business.

## 7.070

**Violation - Penalties.**

- A. It is unlawful for any person to make any false or misleading statement to the City for the purpose of determining the amount of any license fee to be paid to the City, or to fail or refuse to comply with any of the provisions of this Chapter.
- B. All persons doing business within the City for which a business license is required by this Chapter shall make all records showing the number of employees or persons engaged in the business available to the City at its request for purposes of auditing and verifying license fees charged based upon employee counts. Such records shall be held to the extent permitted in confidence consistent with Oregon law.
- C. A business license fee due from any person and not paid in full when due is delinquent, and the City may avail itself of any and all remedies available to it to collect the fee from that person.
- D. A person required by this Chapter who fails to timely secure a license under this Chapter before becoming delinquent is in violation of this Code. The City shall collect, in addition to the appropriate license fee and other fines assessed, an additional penalty of ten percent (10%) of the fee for each calendar month or fraction thereof the license is delinquent, up to a maximum total of fines and penalties of \$1,000.
- E. In the event any provision of this Chapter is violated by an entity the officer(s) or person(s) in charge shall be personally liable for the penalties imposed by this Section.

**SPECIAL EVENTS, TEMPORARY AND MOBILE BUSINESSES**

(Ord. 2008-01, 03/31/08)

**7.105****License Required.**

- A. No person shall hold a special event or operate a temporary or mobile business (as those terms are defined in 7.010) without first obtaining a temporary business license and paying the required fee.
- B. Applications for a temporary business license shall be on a form provided by the City. Incomplete applications, or applications submitted without the required fee, are subject to denial
- C. Issuance of a temporary business license is not to be construed to mean a permit. The fees prescribed herein are for revenue purposes and are not regulatory permit fees.
- D. The operator of a special event, temporary or mobile business must provide written permission from the property owner, leasing agent, or manager of a site at which the business will operate.

**7.110****Fees.**

The fee for a temporary business license shall be set by Council resolution and is not refundable.

**7.115****License Displayed.**

- A. The operator of a special event, temporary or mobile business shall post the temporary business license in a conspicuous place at the business and keep it posted during the entire period covered by the license. The temporary business license shall be available for inspection by the public, city enforcement officers, employees and prospective employees of the business.
- B. A special event, temporary or mobile business shall obtain any other required licenses, approvals or permits from the appropriate agency including the City Police and Fire Departments and/or the Washington County Department of Health and Human Services.

**7.120****License and Fee Exemptions.**

The exemptions described in subsections 7.015 (F) and (G) apply to special events, temporary or mobile businesses.

## 7.125

**Denial, Revocation or Suspension of Temporary License.**

If the information supplied in the application or renewal is false, contains a material misrepresentation or omission as to the current condition of the business, the temporary business permit may be denied, revoked or suspended until such time as the applicant provides accurate information.

## 7.130

**Application for a Temporary Business License for a Mobile Business, Temporary Business or Special Event.**

An application for a temporary business license shall require payment of the license fee for each location of the business. When a mobile business, temporary business or special event conducts business at any location for more than two (2) hours at one time, the license application shall include the following information:

- A. Tax assessor's map and tax lot numbers for the sites proposed;
- B. Names and locations of adjacent streets;
- C. Addresses and location of any permanent structures on the site;
- D. Locations of all driveways on the sites and on adjacent properties;
- E. Location of all drive aisles and fire lanes on the sites;
- F. Diagram of on-site parking lot and parking space configuration (i.e., right-angle vs. angled, single-loaded vs. double-loaded);
- G. Proposed location of the business vehicle on the sites;
- H. Dimensions from proposed temporary structure or vehicle location to all structures, drive aisles, and driveways;
- I. Location of any temporary electrical hookups;
- J. Location of any furniture, trash receptacles, etc., to be placed in the immediate vicinity of the vehicle or business operation;
- K. Documentation demonstrating compliance with minimum parking requirements; and
- L. Documentation showing the consent of the property owner.

## SECONDHAND DEALERS, DEALERS IN ANTIQUES, GUNS, COINS AND SCRAP

(Ord. 2008-01, 03/31/08)

### 7.205

#### Purpose and Scope.

- A. Code Sections 7.205 through 7.265 are designed to provide for regulation of certain business activities the Council believes present an extraordinary risk of being used as a means of concealing criminal behavior involving the theft of property. Despite the best efforts of legitimate dealers to prevent it, this risk is present because of the large volume of goods processed in such businesses.
- B. To reduce criminal activity by providing more timely police awareness of business transactions involving materials which may have been obtained through illegal means.

### 7.210

#### Definitions.

As used in Sections 7.205 through 7.265, the singular includes the plural, and the following words and phrases, unless the context requires otherwise, shall have the following meanings:

Antique. An item of property possessed or valued because of its character, craft, style, rarity and association with an earlier period of time that is purchased for more than \$50 by an antique dealer. "Antique" does not include vehicles and/or vehicle components.

Antique dealer. A person engaged in, conducting, managing or carrying on the business of selling antiques acquired by purchasing antiques from any person not representing a bona fide business, who appears with the article at the dealer's place of business, or by acquiring such items by purchasing from another bona fide, legitimate and reputable business.

Article. An antique, secondhand or precious metal and gem, as defined by this Section.

Chief of Police. The City Chief of Police or the Chief of Police's designee.

Dealer. Means a person operating as an antique dealer, precious metal and gem dealer or secondhand dealer or any of them.

Dealer's Permit. A permit issued to an antique dealer, precious metal and gem dealer, or secondhand dealer, pursuant to Sections 7.215 to 7.265.

Person. Any real person, partnership, association or corporation.

Precious metal and gem. Any metal or gem that is valued for its character, rarity, beauty or quality, including gold, silver, platinum, diamonds, rubies, emeralds, sapphires and pearls, and any other gems, whether as a separate item or in combination as a piece of jewelry, but excluding the following items:

1. Gold bullion bars (0.995 fine or better);
2. Silver bullion bars (0.995 fine or better);
3. Coins, whether actual currency or commemorative, from all countries.

Precious metal and gem dealer. A person engaged in, conducting, managing or carrying on the business of selling precious metals and gems acquired by purchasing precious metals and gems from any person not representing a bona fide business, who appears with such article at the dealer's place of business, or by acquiring such items by purchasing from another bona fide, legitimate and reputable business.

Purchase. Transfer of an article from a person or business, including persons not representing a bona fide business, to any dealer regulated by Sections 7.205 to 7.265, for any valuable consideration. Purchase does not include consignment of property for sale.

Secondhand articles. Includes the following used personal property:

1. Video and audio electronic and/or digital devices and their accessories, including recording devices, such as televisions, radios, stereos, speakers, amplifiers, cameras, camcorders, projectors, DVD players, VCRs and the like;
2. Personal computers;
3. Communication devices such as telephones, walkie-talkies, cell phones and the like;
4. Various household items and appliances such as microwave ovens, sewing machines, silverware, dishes, air conditioners, home accessories and the like;
5. Various personal items such as clothing, jewelry, and watches and the like;
6. Guns and equipment;

7. Various maintenance and landscaping items and equipment such as tools and the like;
8. Office equipment, including typewriters, calculators, copy machines, fax machines, and the like.

Secondhand dealer. A person engaged in, conducting, managing or carrying on the business of selling goods and articles acquired by purchasing secondhand articles from any person not representing a bona fide business, who appears with such article at the dealer's place of business, or by acquiring items by purchasing from another bona fide, legitimate and reputable business.

**7.215 Dealer's Permit Required.**

No person shall engage in business as a dealer in the City without first obtaining a permit from the City and paying a Dealer's Permit fee set by Council resolution. This Dealer's Permit is separate and apart from the requirement to obtain a business license as required by the terms of 7.015.

**7.220 Dealer's Permit Application.**

Application for a Dealer's Permit under Section 7.215 shall be made on a form provided by the City.

**7.225 Application Review.**

Applications for a Dealer's Permit shall be reviewed by the Chief of Police, or designee, who shall review and then approve or deny issuance of a Dealer's Permit consistent with the provisions of 7.230.

**7.230 Criteria for Grant or Denial.**

Approval or denial of the application shall be based on the following criteria:

- A. No Dealer's Permit shall be issued unless the applicant is operating from a fixed location in the City.
- B. An applicant for a Dealer's Permit shall complete and submit an application (including required personal history forms) that sets forth the following information:
  1. The name, address, telephone number, birth date and principal occupation of all owners and any person who will be directly engaged or employed in the management or operation of the business or the proposed business;

2. The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
  3. The web address of any and all web pages used to acquire or offer for sale articles on behalf of the Dealer, and any and all internet auction account names used to acquire or offer for sale articles on behalf of the Dealer.
  4. Written proof that all principals are at least 18 years of age;
- C. Each principal's business occupation or employment for the three (3) years immediately preceding the date of application;
- D. The business license and permit history of the applicant in operating a business identical to or similar to those regulated by these provisions;
- E. A brief summary of the applicant's business history in any jurisdiction including:
1. The business license or permit history of the applicant; and,
  2. Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefore and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation.
- F. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.
1. If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principal occupations, along with all other information required of any individual applicant, of each partner, whether general, limited or silent and the respective ownership shares owned by each;
  2. If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principal occupations, along with all other information required of any individual

applicant, of every officer, director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;

3. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;
  4. All arrests or convictions of each principal
- G. Upon request, principals and employees shall submit to the Forest Grove Police Department the following information:
1. fingerprints;
  2. passport size photographs; and
  3. a copy of the signature initials to be used by persons on article transaction report forms.

Principals and employees must submit new photos if requested to do so by the Forest Grove Police Department

- H. Any other information that the Chief of Police may reasonably feel is necessary to accomplish the goals of these provisions.

## 7.235

**Issuance or Denial.**

- A. The City Manager shall issue a Dealer's Permit if the Chief of Police is assured that the dealer applicant and employees of the dealer have satisfied the conditions set out in Section 7.230.
- B. If the Chief of Police determines that the dealer's application should be denied, the Chief shall notify the applicant in writing. The notice shall state the reason for denial and inform the applicant of the review and appeal provisions in Section 7.060.

## 7.240

**Review of Denial.**

An applicant for a Dealer's Permit whose application is denied may have the decision reviewed by the City Manager by filing a written request with the City Manager within ten (10) days of the notice of denial from the Chief of Police. The City Manager shall send a written notice of the decision to the applicant. A decision of the City Manager which upholds a denial may be appealed to the Council as provided by Section 7.060.

## 7.245

**Temporary Permit.**

Upon receipt of an application for a permit required under Section 7.215, the Chief of Police may issue a temporary permit for operation of an antique, secondhand or precious metal and gem dealer business, not to exceed a period of 30 days.

## 7.250

**Revocation and Suspension.**

- A. Along with the other regulatory enforcement authority granted in these provisions, the Chief of Police may revoke or suspend any permit issued to a dealer:
1. For any cause that would be grounds for denial of a permit; or
  2. Upon a finding any violation of the provisions of the Forest Grove Code relating to dealers; or
  3. Upon a finding of a violation of federal, state or other local law being committed connected with the operation of the dealer's business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were occurring; or
  4. A lawful inspection has been refused; or
  5. If any statement contained in the application for the permit is false.
- B. The Chief upon revocation or suspension of any permit issued pursuant to these provisions shall give the dealer written notice of the revocation or suspension.
1. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
  2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C. Revocation will be effective and final ten days after the giving of notice unless the revocation is appealed.
- D. Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

## 7.255

**Dealer Register.**

- A. Dealers shall keep a book register of all articles purchased by the dealer. The register shall contain a full, true and complete description of the subject article, including any engraved identifying number, mark or symbol.
- B. The register shall show the hour and the day the article was received and the amount paid. In addition, the register shall include the name, address and signature of the person from whom the purchase is made. The name and address shall be verified by obtaining two (2) pieces of identification at the time of purchase.

- C. The register information on a purchase shall be retained by the dealer for a period of not less than one (1) year. Upon request, the Chief of Police shall be allowed to review the register and any articles in possession of the dealer and subject to Sections 7.205 to 7.265. Inspection of register and articles shall be during regular business hours.
- D. Each article identified in the dealer's register shall be identified in the register with a number, letter or symbol. The article itself, while in possession of the dealer, shall be identified by placing that number, letter or symbol on the article.

**7.260****Dealer Report and Holding of Article.**

- A. All dealers shall, at the time of purchase of an article, complete the form provided by the Chief of Police. Completed forms must be returned to the Chief of Police not later than the next business day following the purchase. Placing the completed form in the mail not later than the next business day following the purchase shall be considered timely return. Postmark of the mailing of the completed form shall be verification of the timeliness of the return.
- B. Each article, subject to Sections 7.205 to 7.265, shall not be sold or otherwise disposed of for a period of 15 days from date of purchase. Notwithstanding this requirement, the Chief of Police may authorize, in cases in which it is shown that extreme financial hardship will result from holding an article for the 15-day period, sale or transfer of such article before the expiration of this period. Any authorization to sell an article prior to the expiration of 15 days shall be in writing.
- C. If the Chief of Police, upon reasonable belief that an article is the subject of a theft, notifies the dealer in writing not to dispose of any specifically described article, the article shall be retained in substantially the same form and shall not be sold, exchanged, dismantled or otherwise disposed of for a period of time, not to exceed 30 days, as determined by the Chief of Police.

**SECURITY SERVICES**

(Ord. 2008-01, 03/31/08)

**7.305****Definitions.**

For the purposes of Code Sections 7.305 through 7.315, the following words and phrases mean:

Chief of Police. The Chief of Police or the Chief's designee.

License. The business license required by Section 7.310.

Security services. Engaging in or performing any of the following activities, or contracting with another for the performance of such activities:

1. Patrol service;
2. Armed courier service.
3. Guard service.
4. Crowd control.
5. Investigation service.

"Security services" does not include the following

1. Proprietary security wherein persons are employed by one (1) employer to perform such services for that employer only, but does not include crowd control services.
2. Unarmed investigation of a criminal or civil matter for an attorney or insurance company as an employee of that company and not as a contractor.
3. Armored car services solely restricted to institutions governed by the Federal Deposit Insurance Corporation (FDIC or FSLIC).

**7.310****License Required.**

No person, whether proprietor or employee, shall engage in the business of security services within the City without first obtaining a City business license according to Code Sections 7.015 through 7.030 of this Chapter.

**7.315****License Application.**

In addition to the requirements of Code Section 7.035 of this Chapter, an applicant for a license or license renewal must demonstrate compliance with the Oregon Department of Public Safety Standards and Training.

**SOLICITORS**

(Ord. 2008-01, 03/31/08)

**7.405****Definitions.**

As used in Code Sections 7.405 to 7.420, the following words mean as follows:

**Solicitation.** Any oral or written request to purchase or trade any product or thing; to request a contribution or donation of money or property for any purpose or cause; to request opinions or answers to surveys on any subjects; or, to request endorsement or support by petition any product, candidate or cause.

**Solicitor.** A person or persons engaged in solicitation.

**Posted.** The placing of a clearly readable sign or placard in English stating "No Solicitors" or "No Solicitation" readily visible to any person attempting to enter the property from the nearest street or public way or conspicuously placed near the primary entrance to the residence or commercial establishment.

**Person.** Every natural person, firm, partnership, association, or corporation.

**Owner.** Any person having the right of possession of residential or commercial property including, but not limited to, the owner, renter, tenant or authorized agent of such person.

**7.410****Posted.**

No person shall enter onto any residential or commercial property for the purpose of solicitation or conduct solicitation when entrance to the property has been clearly posted by a sign or placard stating "No Solicitors" or "No Solicitation" unless such person has been expressly invited to do so by the owner.

**7.415****Hours.**

Uninvited solicitation shall not take place before the hour of 9:00 a.m. or after the hour of 8:00 p.m. when local time is Daylight Saving Time or after 7:00 p.m. when local time is Standard Time.

**7.420****Removal of Signs.**

No person shall remove, deface, destroy or otherwise interfere with the posted signs unless authorized to do so by the owner.

**TREE SURGERY**

(Ord. 2008-01, 03/31/08)

**7.505****Definitions.**

For the purposes of Code Sections 7.505 to 7.510, "tree surgery" is the work of cutting, trimming, pruning or removing trees; filling cavities in trees; or treating trees or shrubs in any manner to retard or repair decay and to prolong the life of the treated trees or shrubs. "Tree surgery" does not include work performed by City employees or its agents while performing work for the City.

**7.510****Notification Required.**

No person shall engage in tree surgery when there is a possibility of interference with or obstruction of utility lines, except after notifying and obtaining authorization from the City Light and Power Department.

**GENERAL OCCUPANCY PERMITS**

(Ord. 2008-01, 03/31/08)

**7.605****Definitions.**

As used in Code Sections 7.605 through 7.606, the following word mean as follows:

General Occupancy Permit. The permit required under previous Code Sections 7.505 through 7.520, issued prior to October 1, 2008.

**7.610****Permit Expired.**

All General Occupancy Permits issued prior to October 1, 2008, shall expire upon the issuance of a business license or in the month of their issuance in 2009 and shall not be renewed.

**BUSINESS RECYCLING**

(Ord. 2009-06, 05/26/09)

**7.700****Business Recycling Requirement.**

- A. All businesses required to have a Forest Grove Business License as specified in Section 7.105 shall recycle as follows:
1. Businesses shall source separate from the waste stream all paper, cardboard, glass/plastic bottles or jars, and aluminum/tin cans;
  2. Businesses and business recycling service customers shall provide recycling containers for internal maintenance or work areas where recyclable materials may be collected, stored, or both; and
  3. Businesses and business recycling service customers shall post accurate signs where recyclable materials are collected, stored, or both that identify the materials that the business must source separate and that provide recycling instructions.
- B. Exemptions:
1. This Section does not apply to a business operated from their home. A residence is the place where a person lives.
  2. A business may seek an exemption from the requirements in Subsection A, if:
    - A. The business provides access to the City or designated agent for a site visit; and
    - B. The City or designated agent determines during the site visit that the business cannot comply with the Business Recycling Requirement because of space or economic restrictions or other extenuating circumstances.

- C. To assist businesses in compliance with this Section, the City or designated agent shall:
1. Notify businesses of the Business Recycling Requirement at the time application is made for a Business License;
  2. Provide businesses with education and technical assistance to assist with meeting the requirements of this Section; and
  3. The City's business license procedures shall include provisions requiring that the business shall certify that they have complied with the requirements of this Section upon signing the Business License Application and the business shall also certify upon renewal of the Business License that they have complied with the requirements of this Section.
- D. A business that does not comply with the Business Recycling Requirement may receive a written notice of noncompliance. The notice shall describe:
1. The violation,
  2. How the business or business recycling service customer can cure the violation within the time specified in the notice, and
  3. An offer of assistance with compliance.

- E. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may receive a written citation. The citation shall provide:
1. An additional opportunity to cure the violation within the time specified on the citation, and
  2. Notification to the business or business recycling service customer that it may be subject to a fine under the provisions of Code Section 1.095 of this Code.
- F. A business or business recycling service customer that does not cure the violation within the time specified in the notice of noncompliance may be subject to a fine. The general penalty of violation is punishable under the provisions of Code Section 1.095 of this Code.

**LIQUOR LICENSE ISSUANCE**

(Ord. 2010-05, 06/14/2010)

**7.800****Purpose.**

The purpose of this Code Section is to implement guidelines that allow the City of Forest Grove (City) an opportunity to review and make written recommendation on liquor license applications before licenses are issued by the Oregon Liquor Control Commission (OLCC). A new liquor license or annual renewal liquor license application shall be processed in accordance with Section 7.805 through 7.810. Special event winery and/or grower permits and temporary sales liquor licenses shall be processed in accordance with Section 7.815.

**7.805****Liquor License Issuance; Renewal; Rules; Fees.**

Any person or business requesting City Council recommendation for a liquor license must submit a signed criminal records check form provided by the City, in accordance with Section 2.410, Criminal Records Check, along with the applicable OLCC liquor license application. The City's criminal records check form shall contain:

- a) The type of license applied for and a description of the nature of the business for which the application is made.
- b) The name or trade name of the business; address of the business; and business telephone number.
- c) The full name of the applicant or licensee; mailing address; date of birth; physical description; driver license number and state issued; applicant's or licensee's signature; and date signed.
- d) The applicant or licensee must list the name(s) of any person who is an employee, volunteer, or agent of the holder of the liquor license and/or who manage the business or event.
- e) The applicant or licensee must verify if applicable that they have obtained a valid City business license or temporary business license in accordance with Section 7.015, Business License Required.
- f) Any other information the City Manager deems necessary for making recommendation.

- g) The applicant or licensee shall pay prior to processing the liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City's application processing fee shall be nonrefundable.
- h) Pursuant to State liquor laws, the OLCC allows the City 45 days from the date a new liquor license application is date stamped by the City to make written recommendation to OLCC. The City may request up to an additional 45 days to conduct further investigation if considering an unfavorable recommendation.
- i) Pursuant to State liquor laws, the OLCC allows the City 60 days from the date the OLCC notifies the City that an application for renewal of a liquor license is due to make written recommendation to OLCC. The City may request up to an additional 60 days to conduct further investigation if considering an unfavorable recommendation.
- j) The applicant or licensee shall be responsible to submit the city-endorsed liquor license application and receipt issued by the City to the OLCC.

**7.810****Liquor License Issuance; Notice; Recommendation; Hearing.**

The OLCC requires that an applicant or licensee give notice to the City when an application is made for issuance of a liquor license. The City's liquor license issuance and recommendation shall be as follows:

1. The City Manager, or designee, shall provide the applicable City form(s) and shall maintain a record of liquor license applications in accordance with State laws.
2. The City Manager, or designee, shall accept liquor license applications only when the conditions of Section 7.805 through 7.815 have been met.
3. The City Manager, or designee, shall cause the liquor license application to be reviewed by the Chief of Police, or designee, and/or any other department manager, for the purpose of obtaining information necessary to make recommendation.

4. Pursuant to Section 2.415, Criminal Records Check, the Chief of Police, or designee who is authorized to perform criminal records check through LEDS, is authorized, upon receipt of a signed criminal records check form, to conduct a criminal and/or driver records check on the applicant or licensee requesting a liquor license in the City, including persons who are an employee, volunteer, or agent of the holder of the liquor license.
5. The Chief of Police, or designee, shall review the suitability of the liquor license application, including criminal and/or driver records, and make recommendation to the City Council based on the findings.
6. If the Chief of Police, or designee, finds no bases for an unfavorable recommendation, the matter shall be scheduled as a Consent Agenda item before the City Council.
7. If the Chief of Police, or designee, finds there are valid grounds to make an unfavorable recommendation, based on substantial evidence relevant to the license refusal bases as prescribed by State liquor laws (ORS 471), the matter shall be scheduled as a Public Hearing before the City Council and notice to the applicant or licensee shall be given by registered mail, postmarked no later than seven (7) business days prior to the Public Hearing at which the matter will be considered.
8. The Public Hearing Notice shall state the time and place of the hearing and reason(s) for making an unfavorable recommendation.
9. Any person wishing to present testimony at the Public Hearing shall be given an opportunity to do so before the closing of the hearing.
10. After due consideration of pertinent information and testimony, the City Council shall make its recommendation.
11. In case of an adverse recommendation, based on substantial evidence relevant to the license refusal basis as prescribed by State liquor laws (ORS 471), findings shall be produced and forwarded to the OLCC along with the City Council recommendation.

**7.815 Delegation of Authority; Issuance; Rules; Fees; Recommendation; Special Event Permit and Temporary Sales Liquor License.**

In order to expedite service to applicants or licensees seeking written recommendation for a special event winery and/or grower permit or temporary sales liquor license, the City Council delegates to the City Manager, or designee, its authority to review special event winery and/or grower permits and temporary sales liquor license applications and make recommendation to OLCC. The City's special event winery and/or grower permit and temporary sales liquor license rules, fees, and recommendation shall be as follows:

- a) The applicant or licensee shall pay prior to processing a special event winery and/or grower permit or temporary sales liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City's application processing fee shall be nonrefundable.
- b) The applicant or licensee must verify if applicable that they have obtained a valid City temporary business license for an event held in the City. Special events are subject to the provisions of Sections 7.105 through 7.130, Business License Required.
- c) In case of an adverse recommendation, the City Manager, or designee, shall comply with the guidelines prescribed in Section 7.805 and 7.810.
- d) The City Manager, or designee, may refuse to accept any liquor license application if the applicant or licensee has not allowed at least seven (7) days before the event date to obtain recommendation from the City and/or the liquor license application was not submitted in the form prescribed in Section 7.805.
- e) In case of refusal to accept a liquor license permit or application, the City Manager, or designee, shall prepare a written letter addressed to the OLCC stating the reason(s) for refusal or non-acceptance of the liquor license permit or application.