

ORDINANCE NO. 2071

AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTER 5.04.010
DEFINITIONS AND 5.04.100 EVIDENCE OF DOING BUSINESS

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and city attorney for the City of Central Point determined that amendment to the definition of conducting business, and evidence of doing business, be revised to ensure application of business license code to all persons providing transient lodging.
- C. Words ~~lined through~~ are to be deleted and words in **bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.04.010 is amended in part as set forth below and incorporated herein by reference.

**Chapter 5.04
BUSINESS LICENSES**

Sections:

- 5.04.010 Definitions.
- 5.04.020 Purpose and scope.
- 5.04.030 Business licenses required.
- 5.04.040 Applications.
- 5.04.050 Issuance.
- 5.04.060 Posting.
- 5.04.070 Contents.
- 5.04.080 Two or more business premises--Two or more businesses on same premises.
- 5.04.090 Fee--Term.
- 5.04.091 Exceptions.
- 5.04.092 License renewals.
- 5.04.095 Special events.
- 5.04.100 Evidence of doing business.
- 5.04.110 Penalties.
- 5.04.115 Transfers of business.
- 5.04.120 Business license fee schedule.

5.04.010 Definitions.

The following terms as used in this chapter shall have the meanings assigned to them:

A. ~~“Business” means any activity carried on with the intent:~~

~~1. That a profit be realized therefrom; and~~

~~2. That the profit, if any, inures to the benefit of the owner or owners of the activity.~~

Business means any enterprise, trade, activity, profession, occupation, private educational facility, or any kind of calling carried on for profit or livelihood within city limits. This includes transient lodging facilities and year-round business-type activities that are operated by non-profits, such as a thrift store.

B. “Profit” means the excess of gross receipts over expense.

C. “Expenses” means the cost of goods sold, the expense of services rendered and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.

D. “Doing or transacting business” means any act or series of acts performed in the course or pursuit of a business activity ~~on more than one 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 Chapter 5.04 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 as a transient lodging facility; or

(4) Engaging in any activity in pursuit of gain which is not otherwise exempted in this chapter.

It is not a defense to this Chapter that a business is not profitable.

SECTION 2. Chapter 5.04.100 is amended in part as set forth below and incorporated herein by reference.

5.04.100 Evidence of doing business.

In the trial of any alleged violation of this chapter, evidence that the defendant made a public representation, by way of advertisement by newspaper, radio, television, **online**, or similar media, ~~or through transient lodging intermediaries,~~ **or** by signs conspicuously displayed for public view that such business was being conducted, expressly or impliedly offering to sell goods or services in the course of such business to the public or any segment thereof, constitutes prima facie evidence that the defendant was transacting the

business suggested by such public representation, within the city on the date or dates during which such representations were made.

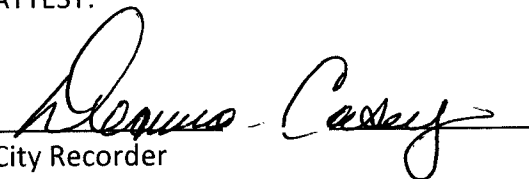
SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 19 day of November, 2020.


Mayor Hank Williams

ATTEST:


City Recorder