

City of Durham

ORDINANCE 274-26

AN ORDINANCE PROVIDING FOR LICENSING OF TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, AND BUSINESSES IN THE CITY OF DURHAM, OREGON FOR THE PURPOSES OF REVENUE AND REGULATION; PROVIDING THE METHOD OF ISSUING LICENSES; PROVIDING PENALTIES; AND REPEALING ORDINANCE 201-00 AND 217-04

WHEREAS, the City Council of the City of Durham finds businesses operating within the City benefit from City services, infrastructure, and regulatory oversight; and

WHEREAS, the City Council of the City of Durham finds requiring business licenses, payment of license fees, and submission of current business information is necessary to provide revenue for municipal purposes and to administer regulations applicable to businesses operating within the City; and

WHEREAS, the City Council of the City of Durham finds it to be in the public interest the City's business license regulations be updated, clarified, and consolidated into a single ordinance to reflect current business practices, improve administration, and align requirements and fees for businesses operating within the City prior to the start of the fiscal year; and

WHEREAS, the City Council for the City of Durham desires to consolidate all City-related into one master fee schedule, adopted via resolution; and

WHEREAS, the City Council of the City of Durham declares an emergency and finds it in the City's best interest for this ordinance to come into effect immediately upon its enactment;

NOW, THEREFORE, THE CITY OF DURHAM, OREGON ORDAINS AS FOLLOWS:

- Section 1.** The regulations regarding business licenses as set forth in Exhibit A are hereby adopted and incorporated into this Ordinance by reference. The City Administrator is directed to codify Exhibit "A" and is authorized to make non-substantive edits necessary for organization, formatting for consistency, and to correct any scrivener's errors that may be found in Exhibit "A" during codification.
- Section 2.** Ordinance No. 201-00, Ordinance No. 217-04, and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
- Section 3.** The repeal of prior ordinances by Section 2 of this Ordinance does not affect the validity of licenses previously issued or fees previously assessed under those ordinances, does not relieve any obligation incurred under those ordinances, and does not prevent enforcement or prosecution of a violation committed before the effective date of this Ordinance.
- Section 4.** If any provision, section, phrase, or word of this Ordinance or its application to any person, or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 5.** This Ordinance shall take effect immediately upon its enactment.

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PASSED AND ADOPTED by the City of Durham, Washington County, Oregon, this 26th day of May, 2026

First Reading: April 28, 2026
Second Reading: May 26, 2026

CITY OF DURHAM

By: _____

Joshua Drake, Mayor

ATTEST:

Jordan Parente, City Administrator/Recorder

City of Durham

ORDINANCE 274-26

BUSINESS LICENCE ORDINANCE - EXHIBIT "A"

1. Title for citation.

The ordinance codified herein shall be known as the "Business License Ordinance", and may so be cited and pleaded, and shall be cited herein as "this ordinance."

2. Purpose.

It is declared to be in the public interest for the City of Durham to establish this ordinance relative to the matters of regulating business licenses to:

- A. Ensure businesses comply with City of Durham zoning regulations.
- B. Provide revenue for municipal purposes.
- C. License fees levied as a result of this ordinance are in addition to any other license or permit fees required to engage in a business.
- D. Nothing in this ordinance shall be construed to apply to a person transacting and carrying on a business that is exempt from city taxation by virtue of the constitutions or statutes of the United States or the State of Oregon.
- E. The levy or collection of a license fee shall not be construed to be a license or permit to engage in a business or actions that are otherwise unlawful, illegal, or prohibited by the laws of the City of Durham, Washington County, the State of Oregon, or the United States of America.
- F. A Durham business license is a regulatory revenue measure and does not authorize any use, activity, occupancy, or improvement otherwise prohibited by zoning, building, fire, health, or other applicable law.

3. Definitions.

The following definitions apply:

Applicant: the agent or owner of the named business.

Business: An enterprise, activity, profession, occupation or undertaking for profit, including the holding out of premises for tenancy by others.

City: The City Administrator of the City of Durham or duly authorized representative.

Doing Business: An 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 isolated event.

License: The permission granted for the carrying on of a business, profession or occupation within the City of Durham limits.

Licensee: The business as specified and named by the applicant.

Non-profit: An entity that exists to accomplish some purpose for which the United States and the State of Oregon have granted an exemption from taxation on income and that is formally recognized as a not-for-profit entity by either jurisdiction.

Ownership Change: Any sale, assignment, conveyance, merger, reorganization, transfer, or other change in the legal or beneficial ownership of a business, whether in whole or in part, that results in a different person or entity controlling the business. This includes a change in the person or entity holding a majority ownership interest in the business but does not include a change that only affects a minority ownership interest and does not change control of the business.

Person: In addition to its ordinary meaning, any business entity recognized by the state of Oregon.

Revocation (of any business license): Withdrawal of approval to operate a business.

Separate Business: A business that is legally distinct from another business or that operates a materially distinct activity, trade, profession, or undertaking, whether at the same location or a different location.

Separate Business Location: Each fixed place at which business is conducted within the City of Durham.

Solicit and solicitation: The entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual, or in writing.

Suspension (of business license): An official order to suspend business operations pending correction or ceasing of certain conditions or practices.

4. License Required.

- A. Unless exempt under Section 5 of this ordinance, a license fee is imposed on any business operating in the City of Durham, and no person shall do business within the City of Durham without a current, valid City of Durham business license.
- B. Unless exempt under Section 5 of this ordinance, no person shall do business within the City of Durham as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid City of Durham business license for that business, no matter where the principal offices of that business are situated.
- C. A separate business license shall be required for each separate business and each separate business location within the City of Durham, unless specifically provided otherwise by this ordinance or by City Council resolution.
- D. Multiple legally distinct businesses operating at the same address may each be required to obtain a separate license.
- E. A home occupation shall comply with all applicable Durham land use and development regulations in addition to obtaining a business license when required.

- F. The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this ordinance shall be liable for any failure to comply with the provisions of this chapter, or for any penalty assessed under this chapter, to the extent, and with the like effect, as if such agent, or agents, were themselves the proprietors or owners of the business.
- G. A person representing themselves as being a business or exhibiting any sign or advertisement that they are engaged in a business within the City of Durham on which a license fee is levied by this ordinance shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this ordinance.
- H. The City may require proof of bonding or state registration. An applicant shall possess any required county or state license or authorization, or, if City approval is a prerequisite, shall be awaiting final approval by the county or state, before a City of Durham license will be issued.
- I. The City, at the City Administrator's discretion, may require bonding or insurance of any business which: (1) may be financially unstable; or (2) poses a public health or safety hazard. The City may refuse to grant a business license if compliance with the City Administrator's requirement of a bond or insurance is not proven.
- J. In addition to any other requirement of this chapter, each licensee shall:
 - a. Conform to all federal, state, and local laws and regulations, the provisions of this ordinance, and any rules adopted hereunder, with the exception of the federal Controlled Substances Act as it pertains to marijuana legal under the laws of the State of Oregon;
 - b. Notify the City within ten days of any change in material information contained in the application, related materials, or license;
 - c. Display a business license upon request to any person with whom he/she is dealing as part of the licensed activity or to an officer or employee of the City of Durham.

5. Exemptions and Disclaimers.

- A. None of the fees, bonds or insurance requirements provided for in this chapter or the rules adopted under this chapter shall be required if the applicant is a public body as defined in ORS 174.109.
- B. No person whose income is based solely on a wage or salary shall, for the purpose of this ordinance, be deemed a person transacting or carrying on any business in the City of Durham, and it is the intention that all license taxes and fees will be borne by the employer.
- C. Any business paying a franchise tax or fee under any City of Durham ordinance or resolution now existing is exempt from paying any fee under this ordinance but is subject to all other provisions of this ordinance unless expressly exempted by ordinance or resolution.
- D. Wholesalers making deliveries or taking orders from licensed retail outlets within the City of Durham are exempt from this ordinance.

- E. Any person sixteen years of age or younger who operates a business on a part-time basis, which has an annual gross income of less than \$2,500 (twenty-five hundred dollars) or any school sponsored business activity, is exempt from this ordinance.
- F. Any person who, when conducting business within the City of Durham, performs work or services only for the City of Durham is exempt from this ordinance.
- G. A person who claims to be exempt from the license requirement of this Ordinance under provision of ORS 696.365 (relating to real estate salespersons working under a broker with principal offices outside the City of Durham), ORS 701.015 (relating to contractors and landscape contractors licensed by the Metropolitan Service District) or any other provision of state or local law shall show proof to the City of the business license or receipt for business tax given by the other jurisdiction, if any, or other proof of the person's current, valid entitlement to such exemption.
- H. A nonprofit is not exempt from the requirement to obtain a City of Durham business license but shall be exempt from payment of the license fee upon submission of satisfactory proof to the City that the United States Internal Revenue Service and, where applicable, the Oregon Department of Revenue have granted tax-exempt status.
- I. The levy or collection of a license fee upon any business shall not be construed to be a license or permit by the City of Durham to the person engaged therein to carry on business if such business is unlawful, illegal or prohibited by the laws of the state or the United States or ordinances of the City of Durham.
- J. The license fees levied pursuant to this ordinance shall be in addition to general ad valorem taxes now or hereafter levied pursuant to law.

6. Door-to-Door Solicitation.

- A. It is unlawful for any person to:
 - a. Solicit at any time before 8 AM and after 9 PM unless with the prior express permission of the person in possession or control of the residence;
 - b. Leave written materials upon real property where a “No Solicitation” sign is posted;
 - c. Solicit where a “No Solicitation” sign is posted;
 - d. Allow or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;
 - e. Solicit at any time without carrying on or about the person a legible copy of a current valid City of Durham Business license available for inspection on demand by any person to whom an offer or solicitation is made. A person who is exempt from the business license required by this Ordinance shall carry and make available in lieu of same, printed identification showing the person's true name and the true business name of the other person or the entity that the solicitor represents.
- B. Consent to enter real property.
 - a. It shall be an affirmative defense to an alleged violation of this section that the person charged received actual or constructive consent of the occupant prior to entering the

real property. Constructive consent may be implied from the circumstances of each instance, the relationship of the parties, and actual or implied contractual relationships.

- b. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 8:00 a.m. and 9:00 p.m. if they have not posted a “No Solicitation” sign, pursuant to this section.

C. Effect of posting “No Soliciting” sign.

- a. If an occupant of real property chooses to not invite solicitors, or certain types of solicitors, onto their property, the occupant may post a sign indicating their preference, such as a sign stating, “No Solicitation.” The effect of posting a sign stating, “No Solicitation,” or similar words to that effect, is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit.
- b. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry.
- c. For real property possessing no apparent barriers to entry at the boundaries of the property that limit access to the primary entrance of a structure located on the property, placement on the sign at the primary entrance to the structure constitutes compliance with this section.

D. Violations. A person who enters or remains unlawfully on property posted with a “No Solicitation,” “No Trespassing,” or similar sign is subject to a \$500 (five-hundred dollar) violation.

E. Compatibility. Nothing in this section shall relieve any person or entity who solicits and conducts business in the City of Durham from compliance with the remaining sections of this ordinance.

F. Severability. The subsections of this section are severable. The invalidity of any subsection shall not affect the validity of the remaining subsections.

7. Permit Cycle and Fees.

A. A license fee is imposed on the act of doing business within the City of Durham in an amount set by City Council resolution.

B. The business license fee due date shall be on or before July 1 for persons doing business as of that date, or on or before the date a person commences doing business in Durham.

C. Business licenses required under this ordinance are for a term commencing on July 1 of a calendar year and ending on June 30 of the following year, unless otherwise provided by City Council resolution for temporary businesses or another specific class of license.

D. Payment not received within 30 days of the due date is delinquent and is subject to late fees set by City Council resolution.

E. A person who first commences doing business in Durham on or after January 1 of a calendar year shall be entitled to a 50 percent reduction of the applicable annual license fee for the license period ending June 30 of that year, unless otherwise provided by City Council resolution.

- F. A person operating more than one business shall pay the license fee prescribed for each of the businesses, except as specifically provided by ordinance or City Council resolution.
- G. Failure of the City to send a renewal notice shall not relieve any person of the obligation to obtain or renew a business license or to pay any fee, penalty, or other charge due under this ordinance.
- H. No business license or permit required by this ordinance may be issued unless the license or permit fee and all outstanding penalties are paid in full.
- I. In no case is a business license fee refundable, except where payment was made in error as determined by the City.

The City Council may establish by resolution fees for amended licenses, reissued licenses, ownership changes, duplicate licenses, and similar administrative actions. Nothing contained in this ordinance shall vest any right in a license as a contract obligation on the part of the City of Durham as to the amount of the fee. The fees, as set by council resolution, may be increased or decreased, additional fees may be imposed, and classifications may be changed by City Council resolution unless otherwise required by law.

8. Information to be Submitted.

- A. Application for a business license or for renewal of a business license shall be submitted to the City. Each application shall include the following information:
 - a. The date of application;
 - b. The name of the business;
 - c. A description of the business to be conducted in the City of Durham;
 - d. The name and title of the applicant and all persons having an ownership interest in the business;
 - e. The person who may be contacted in case of an emergency and the phone number and email address at which that person may be reached;
 - f. The location where the business is to be conducted;
 - i. The name of the property owner or manager on which the business is located, if applicable;
 - ii. The street address and mailing address of the business;
 - iii. Whether the business is home-based, mobile, temporary, or conducted from a fixed commercial location;
 - g. The average number of employees working in Durham, including working owners, expected during the licensing cycle being applied for;
 - h. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605;
 - i. The license fee tendered with the application;

- j. Any other information necessary to enable the City to review the application and determine whether the application should be approved.
- B. The City may verify the information submitted for a business license by any information available. Review of an application shall not begin until all requested information has been provided.
- C. A licensee shall notify the City in writing within 30 days of any material change in the information submitted with their application, including but not limited to a change in business name, business address, mailing address, ownership, emergency contact, or cessation of operations within the City of Durham.

9. License Issuance; Denial; Suspension; Revocation; Nonrenewal; Transfer.

- A. License approval.
 - a. Upon receipt of a complete application, payment of all required fees, and satisfactory review of the application, the City may issue a business license or renew a business license.
 - b. The City may request the planning department, the building department, the police department or other governmental agencies to inspect the premises or records of a business or applicant prior to issuing a business license or renewal of business license. The applicant's allowance of any inspections contemplated above is a requisite to obtaining a business license or renewal.
 - c. If an application for a new or renewed license is approved, the City shall notify the applicant in writing. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license which the City deems necessary to protect the public health, safety or welfare, or which are required by federal, state, or county law, or this ordinance.
 - d. Licenses or license renewals shall be kept and displayed at the licensed business premises and shall be supplied to any governmental agency upon request.
- B. The City may deny, suspend, revoke, or decline to renew a business license if the City finds that:
 - a. The application is incomplete;
 - b. The applicant has made a material false statement, misrepresentation, or omission in the application or in information submitted to the City;
 - c. Required license fees, penalties, or other amounts due under this ordinance remain unpaid;
 - d. The proposed or existing business activity is not lawful at the location identified in the application;
 - e. The business is being operated in violation of this ordinance after notice and reasonable opportunity to cure, where appropriate;
 - f. The license was issued in error; or

- C. Denial, suspension, revocation, or nonrenewal shall be in writing and shall state the reasons for the decision and the right to appeal under Section 10 of this ordinance. The notice shall be given at least ten days before a revocation becomes effective, unless the City determines that property, public health or safety is endangered if the business continues to operate during the ten-day notice period. If the violation ends within the fifteen days, the City may discontinue the revocation proceedings
- D. A business license issued under this ordinance is nontransferable.
- E. Reapplication. A person whose application for a business license has been denied or whose license has been revoked may, after ninety days from the date of denial or revocation, apply for a license upon payment of the application fee and submission of an application form and related documents.
- F. Disqualification. A person whose application for any business license has been denied or whose license has been revoked twice within any twelve-month period or who has a total of four denials or revocations, shall be disqualified from applying for a license for a period of two years from the date of the last revocation or denial.
- G. Summary Suspension. Upon determining that a licensed activity or device presents an immediate danger to a person or property, the City may summarily suspend the license for the activity or device. The suspension takes effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license being suspended. Such notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 10. The City may continue a suspension if the reason for the suspension exits or until a determination on appeal regarding the suspension is made under Section 10.

10. Appeals

- A. A person aggrieved by a determination of the City regarding fee classification, exemption status, denial, suspension, revocation, nonrenewal, or other determination made under this ordinance, may appeal in writing to the City Council. The written notice of appeal must be accompanied by an appeal fee equal to the appellant's business license fee.
- B. An appeal shall be filed with the City within ten (10) days of the date of mailing of the City's written determination being appealed. Appeals received more than ten (10) days after the date of mailing of the City's written determination will be dismissed without review by the City Council.
- C. The City Council shall hear the appeal at its next available meeting or as soon thereafter as practicable.
- D. The City may grant a request to continue the hearing for good cause.
- E. The City Council may affirm, reverse, or modify the determination of the City. The City Council's decision shall be final.

11. Enforcement and Violations.

- A. It is a violation of this ordinance to:
 - a. Do business within the City of Durham without a current, valid business license when a license is required;
 - b. Submit materially false, misleading, or incomplete information in an application or other document required under this ordinance;
 - c. Fail to comply with the conditions of licensure imposed under this ordinance;
 - d. Conduct door-to-door solicitation in violation of Section 7;
 - e. Fail to pay fees or penalties due under this ordinance; or
 - f. Fail to comply with a lawful written notice issued under this ordinance.
- B. A violation of this ordinance is a civil infraction and is punishable by a fine not to exceed \$1,000.00 for each violation.
- C. Each calendar day that a violation continues shall constitute a separate violation for purposes of imposing a penalty.
- D. Violations of this ordinance shall be processed in accordance with Ordinance 270-25, or Durham's Municipal Court Ordinance, as amended.
- E. Whenever there exists cause to suspect a violation of any provisions of this ordinance, or when necessary to investigate an application for, or revocation or suspension of a license under any of the procedures prescribed in this ordinance, officials responsible for enforcement or administration of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation, provided they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.
- F. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements is, and is declared to be, unlawful and a public nuisance, and may be abated in the same manner provided by law and ordinance for the abatement of other nuisances.
- G. In addition to denial, suspension, revocation, or nonrenewal of a business license, the City may pursue any lawful civil remedy, including collection of unpaid fees and penalties, code enforcement, seeking injunctive relief to enforce the provisions of this chapter, obtaining a judgment and enforcing collection thereon, or other remedy authorized by ordinance or law.
- H. The rights, remedies, and penalties provided under this ordinance are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies, and penalties available to the City of Durham under any other provisions of law.