

**TITLE SEVEN
BUSINESS**

7.01.00-7.03.00 *Reserved for expansion.*

7.04.00 Motor Vehicle Dismantling and Metal Salvage. Unless otherwise indicated, Ordinance 90-104 enacts Section 7.04.01 through 7.04.08.

7.04.01 Definition. For the purpose of this section, the term “business of wrecking motor vehicles shall mean dismantling, permanently disassembling, or substantially altering the form of any motor vehicle and/or any business required to be covered by the State of Oregon under provisions of Oregon Revised Statutes, Chapter 822. Metal Salvage shall mean dismantling, cutting, or altering metal for the purpose to sell for scrap or for reuse.

7.04.02 License Required. It shall be unlawful for any person, firm or company to conduct within the corporate limits of the City of Turner the business of wrecking motor vehicles or metal salvage unless they have received a license from the City of Turner authorizing the conduct of said business.

7.04.03 License Expiration. City license approval will expire on December 31 of the calendar year approved. Each person, firm, or company must apply for a license and receive Council approval each calendar year.

7.04.04 Storage of Hazardous Materials. Any person, firm, or company registering to conduct “wrecking motor vehicle or metal salvage business” with the City council must provide proper sanitation facilities and record keeping facilities at the operating location within the corporate limits of the City of Turner. All oil, tires,

batteries, acid or other hazardous material as defined by the Hazard Materials Identification Guide Booklet issued by the Oregon Department of Transportation shall be properly stored in approved containers or sheds and not stored on the property for more than 30 days.

7.04.05 Licenses non-transferable. Approvals granted under the provisions of this section shall not be assignable or transferable by the applicant and shall be effective for the location named in said application and for no other place or location. Upon sale or transfer of the business, the purchaser thereof shall apply for and obtain approval by the Council to conduct a “wrecking motor vehicles and metal salvage business.” Within the corporate limits of the City of Turner.

7.04.06 Vehicle Parts Storage. No motor vehicle parts belonging to or under the control of any person, firm, or corporation conducting the business of wrecking motor vehicles within the corporate limits of the City of Turner, shall be placed or permitted to remain outside or near any building or fence in which the business is conducted, and any person, firm, or corporation conducting such business shall at all times keep the premises on the outside of the building or fence clear and clean, including vegetation control.

7.04.07 Nuisances. Any motor vehicle parts or metal placed or left outside of a building or fence on any premises where the business of wrecking vehicles or metal salvage is being conducted are hereby declared to be a public nuisance, and the same may be abated by the City in

addition to the imposition of any other penalty herein provided.

7.04.08 Penalty. Any person, firm, or corporation conducting any motor vehicle wrecking business or metal salvage business within the corporate limits of the City of Turner without having obtained a license as required by this section, or any person who, having obtained such license, shall violate any of the provisions of this section upon conviction thereof before the Municipal Judge, shall be punished by a fine not to exceed \$100.00 and thereupon any license granted to the person convicted may be revoked at the pleasure of the Common Council.

7.05.00 Social Gaming. Unless otherwise indicated, Ordinance 93-105 enacts Sections 7.05.01 through 7.05.12.

7.05.01 Definitions. The following terms, except where the context clearly indicates a different meaning, shall mean:

(a) **Game Room.** Any space, room, or enclosure furnished or equipped with one or more tables for the playing of social games only, and the use of which is available to the public.

(b) **Social Game.** As defined by ORS Chapter 167. (*Amend. Ord. 04-101, 10/28/04*)

7.05.02 Social Games Authorized. Pursuant to the provisions of ORS Chapter 167, the playing and conducting of social games are hereby authorized in the City of Turner between players in a private business, private club, or in a place of public accommodation, where no house player, house bank, or house odds exist, and there is no house income from the operation of the social game, subject to the restrictions set forth in this code. Nothing herein is intended to require licensing of

social games in private homes or where conducted by charitable, fraternal, or religious organizations in compliance with Oregon Revised Statutes. (*Amend. Ord. 04-101, 10/28/04*)

7.05.03 License Required.

(a) Except as herein provided, no person shall operate or maintain a game room which is not licensed in accordance with the provisions of this ordinance.

(b) No person shall participate in the conduct of a card game or similar game in an unlicensed game room, except in a private home or religious organization.

(c) The license shall be displayed in the room or enclosure where the social game is played.

7.05.04 License Application.

(a) An applicant for a game room license shall submit an application in the form prescribed by the City of Turner. The application shall state the name, age, and address of the person owning and operating such establishment, with such additional information as may be required to determine the moral character of the applicant.

(b) An applicant for a game room license shall submit an application in the form prescribed by the City Recorder. The application shall include:

(1) The true names and addresses of all persons financially interested in the business.

(2) The personal history and business experiences of such persons.

(3) The past criminal record, if any, of all persons who have an interest in the business.

(c) The term "person financially interested" shall include all persons who exercise ownership or management control over the business.

(d) An application shall be accompanied by a \$75 non-refundable investigation fee. At the discretion of the Police Chief, or his designee, this fee can be reduced or waived based upon knowledge that the required investigations have been performed under other regulatory requirements. (*Amend. Ord. 12-104, 01/10/13*)

7.05.05 Granting Licenses. Each application submitted in accordance with this ordinance shall be considered and approved by the council. Licenses shall be issued only to persons of good moral character. No license shall be renewed in the event the licensee shall be convicted of a violation of the provisions of this ordinance, except after one year's probation. The license shall not be granted if:

- (a) Any person financially interested in the business has been previously convicted of a felony within the last 10 years;
- (b) Any person financially interested in the business has been convicted of five or more misdemeanors, the last of which was within the last five years;
- (c) Any person financially interested in the business has been convicted of any crime involving gambling within the last five years or any person who has any financial interest in the business has forfeited bail for any crime involving gambling within the last five years;
- (d) Any person financially interested in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device as defined in state law where such gambling device has been ordered destroyed within the last five years;
- (e) Any false or misleading information is supplied in the application or any information requested is omitted from the application;

(f) Any person financially interested in the business has had a license which has in his/her name revoked or suspended three or more times by the Oregon Liquor Control Commission, the last of which was in the last five years.

7.05.06 License Fees.

(a) For any game room, the annual fees shall be as follows: \$20 for the first table, \$40 for the second and \$60 for the third.

(*Amend. Ord. 12-104, 01/10/13*)

(b) Each license shall be dated as of the first day of the month in which it is issued and shall expire one year from that date.

7.05.07 Annual Fees for Non Profit Organizations.

A nonprofit society, religious organization, club or fraternal organization, having adopted by-laws and having duly elected directors and members, may be granted a game room license at a daily fee of \$15.00, if:

- (a) The social games are for the exclusive use of members of the applicant organization.
- (b) No charges are made for participation.
- (c) The conduct of a social game is not the primary reason for the existence of the applicant organization.
- (d) No charitable, fraternal, religious or non-profit organization may be granted more than three (3) licenses or permits per calendar year.

7.05.08 Regulations. No person shall operate a game room in violation of any of the following regulations and rules:

- (a) Plain View. All such games shall at all times be kept in plain view of any person or persons who may frequent or be in any place of business where such social games are played. Doors leading into the game room must remain unlocked during the hours of operation.

(b) No person under the age of 21 years shall be permitted to participate in a social game or to enter or remain upon game room premises.

(c) No charge shall be collected from a player for the privilege of participating in a social game.

(d) All licensed game rooms shall close at 2:00 a.m. and shall remain closed between the hours of 2:00 a.m. and 8:00 a.m.

(e) No more than three (3) games shall be permitted to operate simultaneously in a licensed game room.

(f) Games shall not be easily seen from the street or sidewalk.

7.05.09 Signs. Signs advertising the playing of social games, advertising specific forms of card playing, enticing participants, or procuring players are prohibited.

7.05.10 Assignment. No license issued under the provisions of this ordinance shall in any manner be assignable or transferable; nor shall any person other than the person named therein conduct such business. A license is not valid at any location other than the premises as described in the license application.

7.05.11 Revocation. Any license issued under the provisions of this code may be revoked by the council upon due cause or a violation of the provisions of this ordinance. A hearing for revocation shall be held by the council, and proof may be submitted at that time.

7.05.12 Penalties. Any person violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000. (*Amend. Ord. 04-101, 10/28/04*)

7.06.00 Regulation of Marijuana Operations Unless otherwise indicated, Ordinance 16-104 enacts Sections 7.06.00 through 7.06.05

7.06.01 Purpose. The purpose of this section is to provide additional rules for the growing, processing and sale of marijuana and marijuana related products within the City limits.

7.06.05 Distance Requirements. In addition to the site distance requirements set by the State of Oregon, licensed marijuana operations allowed by the State shall:

(a) Be located at least 750 feet from any City operated public park.

(b) Be located at least 1000 feet from any other marijuana operations licensed by the State of Oregon.

7.07.00 Regulation of Marijuana Related Businesses. Unless otherwise indicated, Ordinance 19-102 enacts Sections 7.07.01 through 7.07.04.

7.07.01 Definitions. For the purposes of this section, “person” means any natural person, partnership, corporation, limited liability company, government entity, association, or other entity in law or fact. “Marijuana related business” means is any activity subject to any of the provisions of ORS Section 475B. “Location of marijuana related business” means the physical location of a marijuana related business as originally approved by the Oregon Liquor Control Commission (OLCC).

7.07.02 Business License Required. It shall be unlawful for any person to conduct any activity subject to ORS Chapter 475B within the jurisdiction of the City without a license issued by the City.

7.07.03 Number of Licenses. The City shall issue no business license for any activities subject to the provisions of ORS Chapter 475B unless that activity was licensed by the Oregon Liquor Control Commission (OLCC) or in the application process with the OLCC on the effective date of the enabling ordinance referenced above.

7.07.04 Transfer of License; No Change in Licensed Location.

(a) A marijuana related business license may be transferred to another person authorized by the OLCC to operate a marijuana related business. Such transfer may occur only with the consent of the city council

(b) A marijuana related business license shall not be transferred to a location other than that for which the operation of a marijuana related business was first authorized by the OLCC and other than as first licensed by the City.

7.08.00 Purpose.

(a) Unless otherwise indicated, Ordinance 19 - 01 enacts TRC 7.08.00 through 7.08.12.

(b) For the purposes of this code section, every person who sells marijuana items in the City of Turner is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail sale of marijuana items consistent with ORS 475B.491 and as approved by referendum in the general election on November 6, 2018.

7.08.01 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross taxable sales means the total amount received in money, credits, property, or other consideration from sale of marijuana items that is subject to the tax imposed by this chapter.

Marijuana item has the meaning given that term in ORS 475B.015.

Marijuana retailer means a person who sells marijuana items to a consumer in this State.

Medical marijuana means marijuana that is sold or transferred pursuant to the Oregon Medical Marijuana Act.

Person means any natural person, partnership, corporation, limited liability company, government entity, association, or other entity in law or fact.

Purchase or sale means the acquisition or furnishing for consideration by any person of marijuana items within the City.

Retail sale means the transfer of goods or services in exchange for any valuable consideration and does not include the transfer or exchange of goods or services between a grower or processor and a seller of marijuana items.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

Seller means any person who is required to be licensed or has been licensed by the State to provide marijuana items to purchasers for money, credit, property, or other consideration.

Tax means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

Taxpayer means any person obligated to account to the City Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

7.08.02 Levy of tax.

(a) The City of Turner hereby imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City.

(b) The sale of medical marijuana shall be exempt from the tax imposed by this chapter.

(c) The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and shall be remitted by each marijuana retailer that engages in the retail sale of marijuana items as set forth in this chapter.

7.08.03 Deductions.

The following deductions shall be allowed against sales received by the seller providing marijuana items:

(a) Refunds of taxable sales actually returned to any purchaser;

(b) Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana items and does not include any adjustments for other services furnished by a seller.

7.08.04 Seller responsible for payment of tax.

(a) Every seller shall, on or before the last day of the month following the end of each calendar quarter (April 30, July 31, October 31, and January 31), make a return to the City Manager, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax due under this chapter. When the due date falls on a Saturday, a Sunday, or any legal holiday, the report may be filed on the next business day without penalty. A return shall not be considered filed until it is actually received by the City Manager.

(b) At the time the return is filed, the full amount of the tax due shall be remitted to the City Manager.

(c) All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City Manager. A separate trust bank account is not required in order to comply with this provision.

(d) Every seller must keep and preserve, in a generally-accepted accounting format used for reporting revenue and taxes due on business activity, detailed records of all sales made. Every seller must keep and preserve for a period of six years all such books, invoices, and other records. The City Manager shall have the right to inspect all such records at all reasonable times.

7.08.05 Penalties and Interest.

(a) Interest shall be added to the overall tax amount due at the same rate established under TRC 1.40.00 for each month, or fraction of a month, from the time the return was originally required to be filed by the marijuana retailer to the time of payment.

(b) If a marijuana retailer fails to file a return or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount as provided under ORS 314.400.

(c) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted by the marijuana retailer.

(d) In addition to the City Manager, if at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the amount owed in accordance with ORS 475B.700 to 475B.755, any applicable administrative rules adopted by the

Oregon Department of Revenue, pursuant to any agreement between the Oregon Department of Revenue and the City of Turner under ORS 305.620.

7.08.06 Failure to report and remit tax, determination of tax by City Manager.

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter, the City Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Manager procures such facts and information as is able to be obtained, the City Manager shall determine and assess against such seller the tax, interest, and penalties provided for by this chapter. The City Manager shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States certified mail, postage prepaid, addressed to the seller at the last known place of address.

7.08.07 Refunds.

(a) Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subsection (b) of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Manager within one year of the date of payment.

(b) The City Manager shall have 30 days from the date of receipt of a claim to make a written determination as to its validity. The City Manager shall notify the claimant in writing of the City Manager's determination. Such notice shall be mailed to the address provided by the claimant on the claim form. If the City Manager determines a claim is valid, a credit will be

granted against the seller's tax liability for the next reporting period. If the claimant is no longer in business, a refund check will be mailed to the claimant at the address provided in the claim form.

(c) No tax credit or refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the City Manager acknowledged the validity of the claim.

7.08.08 Actions to collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. When taxes due are more than 90 days delinquent, the City shall submit any outstanding tax to a collection agency. If the City complies with the provisions set forth in ORS 697.105, it may add to the amount owing an amount equal to the collection agency fees.

7.08.09 Violation.

(a) It is a violation of this chapter for any seller or other person to: (1) Fail or refuse to comply as required herein; (2) Fail or refuse to furnish any return required to be made; (3) Fail or refuse to permit inspection of records; (4) Fail or refuse to furnish a supplemental return or other data required by the City Manager; (5) Fail, refuse, or neglect to remit the tax to the City by the due date; or (6) Render a false or fraudulent return or claim.

(b) Violation of subsection (a)(1), (2), (3), (4), or (5) of this section shall be considered an infraction. Violation of subsection (a)(6) of this section shall be considered a misdemeanor.

(c) The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this chapter prohibit or

restrict the City or other appropriate authority from pursuing criminal charges under state law or City ordinance.

7.08.10 Audit of books, records, or persons.

The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of the seller's state and federal income tax returns, bearing upon the matter of the seller's tax return. All books, invoices, accounts, and other records shall be made available within the city limits and be open at any time during regular business hours for examination by the City Manager or an authorized agent of the City Manager. If any seller refuses to voluntarily furnish any of the foregoing information when requested, the City Manager may immediately seek a subpoena from the Turner Municipal Court to require that the seller or a representative of the seller attend a hearing or produce any such books, accounts, and records for examination.

7.08.11 Forms and regulations.

The City Manager is hereby authorized to enter into agreements relating to the administration of this chapter, including intergovernmental agreements with the State as provided in ORS 305.620; to prescribe forms and promulgate rules, policies, and regulations to aid in the making of returns, the ascertainment, assessment, and collection of the tax, interest, and penalties due and payable under this chapter; and to provide for:

(a) A form of report on sales and purchases to be supplied to all sellers; and

(b) The types of records which sellers providing marijuana items are to keep concerning the tax imposed by this chapter.

7.08.12 Disposition of marijuana tax revenue.

All funds derived from the collection of the tax on the sale of marijuana items shall be credited to the general fund. Marijuana tax revenue shall first be expended in paying for the costs to administer and enforce this chapter.

7.09.00-7.20.00 *Reserved for expansion.*

REGULATION OF FIRE, BURGLAR, MEDICAL AND MONITORING ALARM SYSTEMS

7.21.00 – 7.21.1

(Repealed 10/1/2020 Ord. 20-103)