

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-411A
CHAPTER 2.09, BUILDER'S)
BUSINESS LICENSE PROGRAM OF) Introduced by Rena Cusma,
THE METRO CODE) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Chapter 2.09 of the Metro Code is hereby amended
as follows:

CHAPTER 2.09

~~BUILDER'S~~ ~~CONTRACTOR'S~~ BUSINESS LICENSE PROGRAM

SECTIONS:

2.08-09.010	Purpose and Authority
2.09.020	Definitions
2.09.030	Eligibility and License Issuance
2.09.040	Denial of Issuance
2.09.050	Exemptions
2.09.060	License Applicability
2.09.070	Application for License
2.09.080	Application Contents
2.09.090	Validity of the License
2.09.100	Fee
2.09.110	License
2.09.120	Replacement License
2.09.130 120	Renewal
2.09.140 130	Revocation
2.09.150 140	Appeal of a Revoked License or Denied Application
2.09.160 150	Penalty
2.09.170 160	Distribution of Fees
2.09.180 170	Regulations
2.09.190 180	Operative Date
2.09.200	Effective Date

Section 2. Section 2.08-09.010 is hereby amended as
follows:

"2.08.09.010 Purpose and Authority:

(a) The purpose of this Ordinance is to provide a procedure for the District to issue ~~Builder's~~ ~~a Contractor's~~ Business License, establish a fee for the license, and distribute to participating jurisdictions the fees collected by the District.

(b) The authority for the Metropolitan Service District to issue ~~Builder's~~ ~~a Contractor's~~ Business License, establish requirements for the issuance of the license, charge a fee for the license, receive reimbursement for administrative expenses incurred in carrying out this program, determine the dollar amount of residential building permits issued within the District and distribute the fees to participating jurisdictions is granted by Oregon Revised Statutes 701.015.

Section 3. Section 2.09.20 is hereby amended as follows:

2.09.020 Definitions:

(a) "~~Builder~~" "~~Contractor~~" or "~~Landscape Contractor~~" has the meaning given under ORS ~~701.055~~, ~~701.005~~, and ORS ~~701.015(6)(d)~~, respectively.

(b) "~~Builder's~~ "~~Contractor~~" Business License" means a document issued by the District to a ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ that permits the ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ to conduct business in participating jurisdictions.

(c) "~~Builder's~~ "~~Contractor's~~ Business License Fee" means any fee paid to the District for the issuance of a ~~Builder's~~ ~~Contractor's~~ Business License.

(d) "Business License Tax" means any fee paid by a builder contractor or landscape contractor to a city or county for any form of license that is required by the city or county to conduct business in that jurisdiction. The term does not include any franchise fee or privilege tax imposed by a participating jurisdiction upon a public utility under ORS 221.420 or 221.450 or any provision of a city charter.

(e) "Conducting Business" means to engage in any activity in pursuit of gain including activities carried on by a builder contractor or landscape contractor through officers, agents and employees as well as activities carried on by a builder contractor or landscape contractor on that builder's contractor's or landscape contractor's own behalf.

(f) "Participating Jurisdiction" means any city or county located wholly or partly within the boundaries of the District that has a requirement for a builder contractor or landscape contractor to obtain a business license to conduct business in that jurisdiction, and the fee for this license is not based on or measured by adjusted net income.

(g) "Principal Place of Business" means the location of the central administrative office in this state of a builder contractor or landscape contractor conducting business in this District.

(h) "Residential Building Permit" means any permit issued for the construction or alteration of a residential structure issued by a governing body authorized under ORS 455.150."

Section 4. Section 2.09.030 is hereby amended as follows:

"2.09.030 Eligibility and License Issuance: Any builder contractor or landscape contractor wishing to conduct business in any participating jurisdiction shall be issued a Builder's Contractor's Business License if subsections (a) and (b) are met by the builder contractor or landscape contractor:

~~(a) (1) Presents proof to the district that the builder has paid the business license tax imposed by each participating jurisdiction in which the builder has an office; or~~

(a) Presents proof to the District that the contractor or landscape contractor has paid the business license tax imposed by the city when:

(1) The principal place of business of the contractor or landscape contractor is within the city; or

~~(2) Presents proof that the builder has an office only outside the boundaries of a participating jurisdiction; and~~

(2) Presents proof that contractor or landscape contractor has paid the business tax imposed by city because the contractor or landscape contractor derives gross receipts of \$125,000 or more from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed.

- (b) (1) Presents proof that builder contractor or landscape contractor is currently registered with the State of Oregon Builder's Construction Contractor's Board, or the State of Oregon Landscape Contractor's Board.
- (2) Completes an application as required by Section 2.09.070 of this chapter;
- (3) Pays the Builder's Contractor's Business License fee established in Section 2.09.100 of this chapter; and
- (4) Meets all other license requirements provided under this chapter."

Section 5. Section 2.09.040 is hereby amended as follows:

"2.09.040 Denial of Issuance:

(a) The District shall refuse to issue a license for any one of the following reasons:

- (1) Fraud, misrepresentation or false statement made in the applications at the time of application.
- (2) Failure to present proof at the time of application that the applicant has met all other license requirements provided under this chapter.
- (3) Failure to pay the Builder's Contractor's Business License fee established under Section 2.09.100 of this chapter.

(b) Notice of denial of a application shall be given in writing to the applicant setting forth the grounds of the denial.

Such notice shall be mailed to the applicant at the address that appears on the application for the license. This action of denial may be appealed as provided in Section 2.09.150 ~~140~~ of this chapter."

Section 6. Section 2.09.050 is hereby amended as follows:

"2.09.050 Exemptions: ~~A builder that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Builder's Business License in lieu of that jurisdiction's business license tax or business license.~~

(a) ~~A contractor or landscape contractor that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Contractor's Business License in lieu of that jurisdiction's business license tax or business license.~~

(b) ~~Certain persons furnishing materials, improving personal property, owner builders, or persons otherwise licensed may be exempt from registration under this chapter under ORS 701.010."~~

Section 7. Section 2.09.060 is hereby amended as follows:

"2.09.060 License Applicability:

(a) If a ~~builder~~ ~~contractor or landscape contractor~~ has paid any business license tax imposed by participating

jurisdictions in which the builder contractor or landscape contractor has an office the builder contractor or landscape contractor may apply for a Builder's Contractor's Business License from the District.

(b) If a builder contractor or landscape contractor has been issued a Builder's Contractor's Business License by the District, the builder contractor or landscape contractor may conduct business without any other business license in participating jurisdictions in which the builder:

- (1) Has no office;
- (2) Has not derived gross receipts of \$100,000 \$125,000 or more from business conducted within the boundary of the participating jurisdiction during the calendar year for which the business license is owed."

Section 8. Section 2.09.070 is hereby amended as follows:

"2.09.070 Application for License: To obtain a Builder's Contractor's Business License, a builder contractor or landscape contractor must make application in person or by mail to the District upon forms provided and prescribed by the District. The completed application shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a builder contractor or landscape contractor is issued a Builder's Contractor's Business License."

Section 9. Section 2.09.080 is hereby amended as follows:

"2.09.080 Application Contents: Each application for a ~~Builder's~~ Contractor's Business License received by the District shall contain:

- (a) The name of the business making application.
- (b) The name of a contact person in the business.
- (c) The address of the principal place of business.
- (d) The telephone number of the business.
- (e) State of Oregon ~~Builder's~~ Construction Contractor's Board registration number, or State Landscape Contractor's Board.
- (f) Date of application.
- (g) The signature of the ~~builder~~ contractor or landscape contractor making the application.
- (h) Such other information as the District shall determine."

Section 10. Section 2.09.090 is hereby amended as follows:

"2.09.090 Validity of the License:

(a) The license shall be valid from the date of issuance to the ~~day immediately preceding the date of issuance in the following year.~~ first day of the month in the following year; if issued after the middle of any month, the license shall be valid to the first day of the of the following month of that year. The license shall not be issued for a portion of a year.

(b) Before the expiration of the ~~Builder's~~ Contractor's Business License, the District shall notify the ~~builder~~

~~contractor or landscape contractor~~ to whom the license was issued of the approaching expiration. Within 90 days prior to the expiration date, the notice shall be mailed to the ~~builder contractor or landscape contractor~~ to whom the license was issued at the address shown on the original application for the license maintained by the District.

(c) The District is not required to notify the ~~builder contractor or landscape contractor~~ of an approaching expiration if the ~~builder's contractor's or landscape contractor's~~ license has been revoked under Section 2.09.140 130 of this chapter, or if the ~~builder contractor or landscape contractor~~ has failed to notify the District of a change of address."

Section 11. Section 2.09.100 is hereby amended as follows:
"2.09.100 Fee: The fee to be paid by any ~~builder contractor or landscape contractor~~ for a ~~Builder's Contractor's~~ Business License is \$110 and is non-refundable."

Section 12. Section 2.09.110 is hereby amended as follows:
"2.09.110 License: Each ~~Builder's Contractor's~~ Business License issued under this chapter shall state upon its face the following:

- (a) The name of the licensee.
- (b) The address of the licensee.
- (c) A unique license number established by the District.
- (d) The date of issuance.
- (e) The date of expiration.

(f) Such other information as the District shall determine."

Section 13. Section 2.09.120 is hereby deleted:

~~"2.09.120 Replacement License:~~

~~(a) A replacement Builder's Business License shall be issued upon receipt by the District of a completed application for a replacement license and payment of a \$20 fee to replace any otherwise valid license previously issued which has been lost, destroyed or mutilated. The expiration date for the replacement license shall be the same date as provided on the original license issued to the builder.~~

~~(b) Each application for a replacement shall contain:~~

~~(1) The name of the business making application.~~

~~(2) The name of a contact person in the business.~~

~~(3) The address of the principal place of business.~~

~~(4) The telephone number of the business.~~

~~(5) State of Oregon Builder's Board registration number.~~

~~(6) Date of application.~~

~~(7) Such other information as the District shall determine.~~

~~(Ordinance No. 88-248, Sec. 1)~~

Section 14. Section 2.09.130 ~~120~~ is hereby amended as follows:

"2.09.130 120 Renewal: Each builder contractor or landscape contractor requesting renewal of a license must make application, as described in Section 2.09.070 of this chapter, to the District upon forms provided and prescribed by the District. The completed application for renewal of the Builder's Contractor's Business License shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a renewal license is issued."

Section 15. Section 2.09.140 is hereby amended as follows:

"2.09.140 130 Revocation:

(a) A license issued under this chapter may be revoked by the District, after notice, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying out the licensed activity.
- (3) Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (4) Failure to comply with the ordinances and resolutions of a jurisdiction within the boundaries of the District in which the license holder is conducting business authorized by this license.

(b) Notice of revocation of a license shall be given in writing to the licensee setting forth the grounds of the complaint. Such notice shall be mailed by certified mail at least ten (10) working days before the date of revocation to the licensee at the address that appears on the application for the license being revoked. Revocation shall be effective ten (10) working days after notice of revocation."

Section 16. Section 2.09.150 ~~140~~ is hereby amended as follows:

"2.09.150 ~~140~~ Appeal of a Revoked License or Denied Application: Any ~~builder~~ ~~contractor or landscape contractor~~ aggrieved by the action of the District in denying an application for or revocation of a ~~Builder's~~ ~~Contractor's~~ Business License is entitled to appeal action under the provisions of Metro Code Chapter 2.05."

Section 17. Section 2.09.160 ~~150~~ is hereby amended as follows:

"2.09.160 ~~150~~ Penalty: Any ~~builder~~ ~~contractor or landscape contractor~~ who fails to comply with or violates any provision of this Chapter is subject to penalties under Section 1.01.110 of this Code. In the event that a provision of this Chapter is violated by a firm or corporation, the officer or ~~builder~~ ~~contractor or landscape contractor~~ responsible for the violation shall be subject to the penalty provided in Section 1.01.110 of this Code."

Section 18. Section 2.09.170 ~~160~~ is hereby amended as follows:

"2.09.170 ~~160~~ Distribution of Fees: The District shall distribute the ~~Builder's Contractor's~~ Business License fees collected by the District under this chapter to participating jurisdictions after the District has received reimbursement for administrative expenses incurred in carrying out the provisions of this chapter. At least once a year, each participating jurisdiction shall receive a share of the ~~Builder's Contractor's~~ Business License fees collected by the District based on a ratio of the ~~total of the dollar amount~~ ~~number~~ of residential building permits issued by ~~all~~ ~~each~~ participating jurisdictions to the total ~~dollar amount~~ ~~number~~ of residential building permits issued during that year by ~~each~~ all participating jurisdictions."

Section 19. Section 2.09.180 ~~170~~ is hereby amended as follows:

"2.09.180 ~~170~~ Regulations: The Executive Officer may establish such other ~~Builder's Contractor's~~ Business License regulations, not inconsistent with this chapter, as may be necessary and expedient."

Section 20. Section 2.09.190 and 2.09.200 are hereby deleted:

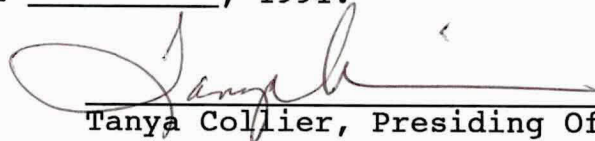
~~"2.09.190 Operative Date: For the purpose of administering this program, entering into intergovernmental agreements with participating jurisdictions, collecting fees and issuing licenses, this ordinance is operative immediately upon passage."~~

~~"2.09.200 Effective Date: No Builder's Business License shall be effective before July 1, 1988."~~

~~(Ordinance No. 88-248, Sec. 1)~~

Section 21. This ordinance being for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this ordinance takes effect upon passage.

Adopted by the Council of the Metropolitan Service District
this 24th day of October, 1991.



Tanya Collier, Presiding Officer

ATTEST:


Clerk of the Council

mgs\FIN\OR91-411.AMD

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)
CHAPTER 2.09, BUILDER'S)
BUSINESS LICENSE PROGRAM OF)
THE METRO CODE)

ORDINANCE NO. 91-411
Introduced by Rena Cusma,
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Chapter 2.09 of the Metro Code is hereby amended
as follows:

CHAPTER 2.09

~~BUILDER'S~~ ~~CONTRACTOR'S~~ BUSINESS LICENSE PROGRAM

SECTIONS:

2.08-09.010	Purpose and Authority
2.09.020	Definitions
2.09.030	Eligibility and License Issuance
2.09.040	Denial of Issuance
2.09.050	Exemptions
2.09.060	License Applicability
2.09.070	Application for License
2.09.080	Application Contents
2.09.090	Validity of the License
2.09.100	Fee
2.09.110	License
2.09.120	Replacement License
2.09.130 120	Renewal
2.09.140 130	Revocation
2.09.150 140	Appeal of a Revoked License or Denied Application
2.09.160 150	Penalty
2.09.170 160	Distribution of Fees
2.09.180 170	Regulations
2.09.190 180	Operative Date
2.09.200	Effective Date

Section 2. Section 2.08-09.010 is hereby amended as
follows:

"2.08.09.010 Purpose and Authority:

(a) The purpose of this Ordinance is to provide a procedure for the District to issue ~~Builder's~~ ~~a Contractor's~~ Business License, establish a fee for the license, and distribute to participating jurisdictions the fees collected by the District.

(b) The authority for the Metropolitan Service District to issue ~~Builder's~~ ~~a Contractor's~~ Business License, establish requirements for the issuance of the license, charge a fee for the license, receive reimbursement for administrative expenses incurred in carrying out this program, determine the dollar amount of residential building permits issued within the District and distribute the fees to participating jurisdictions is granted by Oregon Revised Statutes 701.015.

Section 3. Section 2.09.20 is hereby amended as follows:

2.09.020 Definitions:

(a) "~~Builder~~" "~~Contractor~~" or "~~Landscape Contractor~~" has the meaning given under ORS ~~701.055~~, ~~701.005~~, and ORS ~~701.015(6)(d)~~, respectively.

(b) "~~Builder's~~ "~~Contractor~~ Business License" means a document issued by the District to a ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ that permits the ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ to conduct business in participating jurisdictions.

(c) "~~Builder's~~ "~~Contractor's~~ Business License Fee" means any fee paid to the District for the issuance of a ~~Builder's~~ ~~Contractor's~~ Business License.

(d) "Business License Tax" means any fee paid by a builder contractor or landscape contractor to a city or county for any form of license that is required by the city or county to conduct business in that jurisdiction. The term does not include any franchise fee or privilege tax imposed by a participating jurisdiction upon a public utility under ORS 221.420 or 221.450 or any provision of a city charter.

(e) "Conducting Business" means to engage in any activity in pursuit of gain including activities carried on by a builder contractor or landscape contractor through officers, agents and employees as well as activities carried on by a builder contractor or landscape contractor on that builder's contractor's or landscape contractor's own behalf.

(f) "Participating Jurisdiction" means any city or county located wholly or partly within the boundaries of the District that has a requirement for a builder contractor or landscape contractor to obtain a business license to conduct business in that jurisdiction, and the fee for this license is not based on or measured by adjusted net income.

(g) "Principal Place of Business" means the location of the central administrative office in this state of a builder contractor or landscape contractor conducting business in this District.

(h) "Residential Building Permit" means any permit issued for the construction or alteration of a residential structure issued by a governing body authorized under ORS 455.150."

Section 4. Section 2.09.030 is hereby amended as follows:

"2.09.030 Eligibility and License Issuance: Any builder contractor or landscape contractor wishing to conduct business in any participating jurisdiction shall be issued a Builder's Contractor's Business License if subsections (a) and (b) are met by the builder contractor or landscape contractor:

~~(a) (1) Presents proof to the district that the builder has paid the business license tax imposed by each participating jurisdiction in which the builder has an office; or~~

(a) Presents proof to the District that the contractor or landscape contractor has paid the business license tax imposed by the city when:

(1) The principal place of business of the contractor or landscape contractor is within the city; or

~~(2) Presents proof that the builder has an office only outside the boundaries of a participating jurisdiction; and~~

(2) Presents proof that contractor or landscape contractor has paid the business tax imposed by city because the contractor or landscape contractor derives gross receipts of \$125,000 or more from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed.

- (b) (1) Presents proof that builder contractor or landscape contractor is currently registered with the State of Oregon Builder's Construction Contractor's Board, or the State of Oregon Landscape Contractor's Board.
- (2) Completes an application as required by Section 2.09.070 of this chapter;
- (3) Pays the Builder's Contractor's Business License fee established in Section 2.09.100 of this chapter; and
- (4) Meets all other license requirements provided under this chapter."

Section 5. Section 2.09.040 is hereby amended as follows:

"2.09.040 Denial of Issuance:

(a) The District shall refuse to issue a license for any one of the following reasons:

- (1) Fraud, misrepresentation or false statement made in the applications at the time of application.
- (2) Failure to present proof at the time of application that the applicant has met all other license requirements provided under this chapter.
- (3) Failure to pay the Builder's Contractor's Business License fee established under Section 2.09.100 of this chapter.

(b) Notice of denial of a application shall be given in writing to the applicant setting forth the grounds of the denial.

Such notice shall be mailed to the applicant at the address that appears on the application for the license. This action of denial may be appealed as provided in Section 2.09.150 140 of this chapter."

Section 6. Section 2.09.050 is hereby amended as follows:

"2.09.050 Exemptions: ~~A builder that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Builder's Business License in lieu of that jurisdiction's business license tax or business license.~~

(a) ~~A contractor or landscape contractor that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Contractor's Business License in lieu of that jurisdiction's business license tax or business license.~~

(b) ~~Certain persons furnishing materials, improving personal property, owner builders, or persons otherwise licensed may be exempt from registration under this chapter under ORS 701.010."~~

Section 7. Section 2.09.060 is hereby amended as follows:

"2.09.060 License Applicability:

(a) If a ~~builder contractor or landscape contractor~~ has paid any business license tax imposed by participating

jurisdictions in which the builder contractor or landscape contractor has an office the builder contractor or landscape contractor may apply for a Builder's Contractor's Business License from the District.

(b) If a builder contractor or landscape contractor has been issued a Builder's Contractor's Business License by the District, the builder contractor or landscape contractor may conduct business without any other business license in participating jurisdictions in which the builder:

- (1) Has no office;
- (2) Has not derived gross receipts of \$100,000 \$125,000 or more from business conducted within the boundary of the participating jurisdiction during the calendar year for which the business license is owed."

Section 8. Section 2.09.070 is hereby amended as follows:

"2.09.070 Application for License: To obtain a Builder's Contractor's Business License, a builder contractor or landscape contractor must make application in person or by mail to the District upon forms provided and prescribed by the District. The completed application shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a builder contractor or landscape contractor is issued a Builder's Contractor's Business License."

Section 9. Section 2.09.080 is hereby amended as follows:

"2.09.080 Application Contents: Each application for a Builder's Contractor's Business License received by the District shall contain:

- (a) The name of the business making application.
- (b) The name of a contact person in the business.
- (c) The address of the principal place of business.
- (d) The telephone number of the business.
- (e) State of Oregon Builder's Construction Contractor's Board registration number- , or State Landscape Contractor's Board.
- (f) Date of application.
- (g) The signature of the builder contractor or landscape contractor making the application.
- (h) Such other information as the District shall determine."

Section 10. Section 2.09.090 is hereby amended as follows:

"2.09.090 Validity of the License:

- (a) The license shall be valid from the date of issuance to the ~~day immediately preceding the date of issuance in the following year.~~ first day of the month in the following year; if issued after the middle of any month, the license shall be valid to the first day of the of the following month of that year. The license shall not be issued for a portion of a year.
- (b) Before the expiration of the Builder's Contractor's Business License, the District shall notify the builder

~~contractor or landscape contractor~~ to whom the license was issued of the approaching expiration. Within 90 days prior to the expiration date, the notice shall be mailed to the ~~builder contractor or landscape contractor~~ to whom the license was issued at the address shown on the original application for the license maintained by the District.

(c) The District is not required to notify the ~~builder contractor or landscape contractor~~ of an approaching expiration if the ~~builder's contractor's or landscape contractor's~~ license has been revoked under Section 2.09.140 ~~130~~ of this chapter, or if the ~~builder contractor or landscape contractor~~ has failed to notify the District of a change of address."

Section 11. Section 2.09.100 is hereby amended as follows:
"2.09.100 Fee: The fee to be paid by any ~~builder contractor or landscape contractor~~ for a ~~Builder's Contractor's~~ Business License is \$110 and is non-refundable."

Section 12. Section 2.09.110 is hereby amended as follows:
"2.09.110 License: Each ~~Builder's Contractor's~~ Business License issued under this chapter shall state upon its face the following:

- (a) The name of the licensee.
- (b) The address of the licensee.
- (c) A unique license number established by the District.
- (d) The date of issuance.
- (e) The date of expiration.

(f) Such other information as the District shall determine."

Section 13. Section 2.09.120 is hereby deleted:

~~"2.09.120 Replacement License:~~

~~(a) A replacement Builder's Business License shall be issued upon receipt by the District of a completed application for a replacement license and payment of a \$20 fee to replace any otherwise valid license previously issued which has been lost, destroyed or mutilated. The expiration date for the replacement license shall be the same date as provided on the original license issued to the builder.~~

~~(b) Each application for a replacement shall contain:~~

- ~~(1) The name of the business making application.~~
- ~~(2) The name of a contact person in the business.~~
- ~~(3) The address of the principal place of business.~~
- ~~(4) The telephone number of the business.~~
- ~~(5) State of Oregon Builder's Board registration number.~~
- ~~(6) Date of application.~~
- ~~(7) Such other information as the District shall determine.~~

~~(Ordinance No. 88-248, Sec. 1)~~

Section 14. Section 2.09.130 ~~120~~ is hereby amended as follows:

"2.09.130 120 Renewal: Each builder contractor or landscape contractor requesting renewal of a license must make application, as described in Section 2.09.070 of this chapter, to the District upon forms provided and prescribed by the District. The completed application for renewal of the Builder's Contractor's Business License shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a renewal license is issued."

Section 15. Section 2.09.140 is hereby amended as follows:

"2.09.140 130 Revocation:

(a) A license issued under this chapter may be revoked by the District, after notice, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying out the licensed activity.
- (3) Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (4) Failure to comply with the ordinances and resolutions of a jurisdiction within the boundaries of the District in which the license holder is conducting business authorized by this license.

(b) Notice of revocation of a license shall be given in writing to the licensee setting forth the grounds of the complaint. Such notice shall be mailed by certified mail at least ten (10) working days before the date of revocation to the licensee at the address that appears on the application for the license being revoked. Revocation shall be effective ten (10) working days after notice of revocation."

Section 16. Section 2.09.~~150~~ ~~140~~ is hereby amended as follows:

"2.09.~~150~~ ~~140~~ Appeal of a Revoked License or Denied Application:

Any ~~builder contractor or landscape contractor~~ aggrieved by the action of the District in denying an application for or revocation of a ~~Builder's Contractor's~~ Business License is entitled to appeal action under the provisions of Metro Code Chapter 2.05."

Section 17. Section 2.09.~~160~~ ~~150~~ is hereby amended as follows:

"2.09.~~160~~ ~~150~~ Penalty: Any ~~builder contractor or landscape contractor~~ who fails to comply with or violates any provision of this Chapter is subject to penalties under Section 1.01.110 of this Code. In the event that a provision of this Chapter is violated by a firm or corporation, the officer or ~~builder contractor or landscape contractor~~ responsible for the violation shall be subject to the penalty provided in Section 1.01.110 of this Code."

Section 18. Section 2.09.170 ~~160~~ is hereby amended as follows:

"2.09.170 ~~160~~ Distribution of Fees: The District shall distribute the ~~Builder's~~ ~~Contractor's~~ Business License fees collected by the District under this chapter to participating jurisdictions after the District has received reimbursement for administrative expenses incurred in carrying out the provisions of this chapter. At least once a year, each participating jurisdiction shall receive a share of the ~~Builder's~~ ~~Contractor's~~ Business License fees collected by the District based on a ratio of the ~~total of the dollar amount~~ ~~number~~ of residential building permits issued by ~~all~~ ~~each~~ participating jurisdictions to the total ~~dollar amount~~ ~~number~~ of residential building permits issued during that year by ~~each~~ ~~all~~ participating jurisdictions."

Section 19. Section 2.09.180 ~~170~~ is hereby amended as follows:

"2.09.180 ~~170~~ Regulations: The Executive Officer may establish such other ~~Builder's~~ ~~Contractor's~~ Business License regulations, not inconsistent with this chapter, as may be necessary and expedient."

Section 20. Section 2.09.190 ~~180~~ is hereby amended as follows:

"2.09.190 ~~180~~ Operative Date: For the purpose of administering this program, entering into intergovernmental agreements with participating jurisdictions, collecting fees and issuing licenses, this ordinance is operative immediately upon passage."

Section 21. Section 2.09.200 is hereby deleted:

~~"2.09.200 Effective Date: No Builder's Business License shall be effective before July 1, 1988."~~

~~{Ordinance No. 88-248, Sec. 1}~~

Adopted by the Council of the Metropolitan Service District
this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-411 AMENDING
CHAPTER 2.09, BUILDERS BUSINESS LICENSE PROGRAM OF THE
METRO CODE

Date: July 19, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

Since the inception of The Metropolitan Service District's Builder's Business License program on July 1, 1988, Legislative changes had been enacted that significantly altered the program. These changes have not been reflected in Chapter 2.09 of the Metro Code.

The first change altered the original formula for distribution of business license fees to participating cities: the second Legislative change to the program expanded coverage to Landscape Contractor's: the third Legislative change will be reflected in ORS Chapter 701 which henceforth will refer to Builder's as Contractor's.

This resolution will reflect the Law changes that have occurred to this program, and will also eliminate one section requiring a duplicate license fee for replacing a lost license.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-411.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

EXHIBIT A

(Fin. Committee Rpt/Ord. 91-411A)

DATE: October 17, 1991

TO: Finance Committee

FROM: Donald E. Carlson, Council Administrator *DEC*

RE: Proposed Amendment to Ordinance No. 91-411

Please find below a proposed amendment to this ordinance which is suggested in order to attach a proper emergency clause to the ordinance. This amendment has been prepared in consultation with General Counsel Cooper.

On page 13 delete Section 20 in its entirety. On page 14 renumber Section 21 to Section 20 and after the word "Section" insert the following language 2.09.190 and. On page 14 add the following language: Section 21. This ordinance being for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this ordinance takes effect upon passage.

DEC/Ord91-411.mem



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: October 28, 1991
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council *PA*
RE: TRANSMITTAL OF ORDINANCE NOS. 91-393A and 91-411

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on October 24, 1991.

If you wish to veto any of the ordinances referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, October 31, 1991. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, *Paulette Allen*, received this memo and true copies of Ordinance Nos. 91-393A and 91-411 from the Clerk of the Council on 10-28-91.

ORD. MEM