

## **TITLE XI: BUSINESS REGULATIONS**

### Chapter

- 110. TRANSIENT ROOM TAX**
- 111. SOCIAL GAMES**
- 112. ALCOHOLIC BEVERAGES**
- 113. TAXICABS**
- 114. PEDDLERS AND SOLICITORS**



## CHAPTER 110: TRANSIENT ROOM TAX

### Section

- 110.01 Definitions
  - 110.02 Tax imposed
  - 110.03 Duties of operator
  - 110.04 Exemptions
  - 110.05 Operator's registration form
  - 110.06 Certificate of authority
  - 110.07 Collection, returns, and payments
  - 110.08 Delinquency penalties
  - 110.09 Deficiency determinations
  - 110.10 Notice of determination
  - 110.11 Redetermination
  - 110.12 Appeals
  - 110.13 Fraud; refusal to collect; evasion
  - 110.14 Security for collection of tax
  - 110.15 Liens
  - 110.16 Refunds
  - 110.17 Records to be kept; examination of records
  - 110.18 Confidentiality
  - 110.19 Transient Room Tax Review Committee
  - 110.20 Disposition and use of funds
  - 110.21 Sole tax
  - 110.22 Sunset
  
  - 110.99 Penalty
- Appendix: Baker County Transient Room Tax Review Committee

### ' 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCRUAL ACCOUNTING.** A system of accounting in which the operator enters the rent due from a transient into the record when the rent is earned, whether or not it is paid.

## Halfway - Business Regulations

**BAKER COUNTY TRANSIENT ROOM TAX REVIEW COMMITTEE.** (Referred to as the Committee). A nine-member committee appointed to budget revenue from the transient room tax and to hear appeals.

**CASH ACCOUNTING.** A system of accounting in which the operator does not enter the rent due from a transient into the record until the rent is paid.

**HOTEL.** A part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home, or house trailer at a fixed location, or other similar structure.

**OCCUPANCY.** Use or possession of, or the right to use or possess, a room in a hotel or a space in a recreation park for lodging or sleeping.

**OPERATOR.** A person who is the proprietor of a hotel or recreation park in any capacity. When an operator's functions are performed through a managing agent of a type other than an employee, the managing agent shall also be considered an operator. For purposes of this chapter, compliance by either the operator or the managing agent shall be considered by both.

**PERSON.** An individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or another group or combination acting as a unit.

**RECREATION PARK.** Any area designated by the person establishing, operating, managing, or maintaining the same for overnight camping by the general public. **RECREATION PARK** shall mean only those areas available for use through the payment of a fee, and shall include spaces for recreational vehicles under the general heading of "camping". **RECREATION PARK** shall mean only those areas available for use through the payment of a fee, and shall include spaces for recreational vehicles under the general heading of "camping".

**RENT.** The gross rent, exclusive of other services.

**TAX.** Either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which the operator is required to report collections.

**TAX ADMINISTRATOR.** Initially Baker City, Oregon.

**TRANSIENT.** An individual who occupies or is entitled to occupy space in a hotel or a recreation park for a period of 30 consecutive days or less, counting portions of days as full days. The day a transient checks out of a hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day. A person occupying space in a hotel shall be considered a **TRANSIENT** until a period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy or the tenant actually extends occupancy more than 30 consecutive days. A person who pays for lodging on a monthly basis regardless of the number of days in the month, shall not be considered a **TRANSIENT**.

(Ord. 1-02, passed 1-10-2002)

**110.02 TAX IMPOSED.**

(A) During the months of May through October of each year, a transient shall pay a tax in the amount of 7% of the rent charged for the privilege of occupancy in a hotel in the county or occupancy of a space in a recreational park. Hereafter, unless otherwise specified, references to hotel and rooms shall be deemed to include “recreation parks” and “spaces,” respectively. The tax constitutes a debt owed by the transient to the county, and the debt is extinguished only when the tax is remitted by the operator to the county. The transient shall pay the tax to the operator at the time rent is paid. The operator shall enter the tax into the record when rent is collected if the operator keeps records on the cash accounting basis and when earned if the operator keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. In all cases, rent paid or charged for occupancy shall exclude the sale of goods, services, or commodities.

(B) During the months of November of each year through April of the following year, the tax set forth above shall be imposed at the rate of 5% of the rent charged. All other terms and conditions of the tax shall remain the same.

(C) The amount of the tax imposed shall be reviewed and subject to request for modification at least every five years by a majority of members of the Transient Room Tax Review Committee as set forth hereinafter. In the event the tax is modified, it shall be brought before the Council for approval and made a part of this chapter.

(Ord. 1-02, passed 1-10-2002)

**110.03 DUTIES OF OPERATOR.**

(A) *Rules for collection of tax by operator.*

(1) Every operator renting space for lodging, sleeping, or camping, shall collect a tax from the occupant. The tax collected or accrued constitutes a debt owed by the operator to the city.

(2) In the cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectible accounts.

## Halfway - Business Regulations

(3) The Tax Administrator shall enforce this chapter and may adopt rules and regulations necessary for enforcement.

(B) *Operator's duties.* An operator shall collect the tax when the rent is collected from the transient. The amount of tax shall be stated separately in the operator's records and on receipt given by the operator. An operator shall not advertise that the tax will not be added to the rent, that a portion of it will be assumed or absorbed by the operator, or that a portion will be refunded, except in the manner provided by this chapter.

(Ord. 1-02, passed 1-10-2002)

### ' 110.04 EXEMPTIONS.

The tax shall not be imposed on:

(A) An occupant staying for more than 30 consecutive days; and/or

(B) A person who rents a private home, vacation cabin, similar facility, or camping space, from an owner who personally rents the facility incidentally to the owner's personal use.

(Ord. 1-02, passed 1-10-2002)

### ' 110.05 OPERATOR'S REGISTRATION FORM.

(A) An operator of a hotel shall register with the Tax Administrator, on a form provided by the Administrator, within 15 days after beginning business or within 30 calendar days after passage of this chapter.

(B) The registration shall include:

(1) The name under which the operator transacts or intends to transact business;

(2) The location of the hotel;

(3) Any other information the Tax Administrator may require to facilitate collection of the tax;

and

(4) The signature of the operator.

(C) Failure to register does not relieve the operator from collecting the tax or a person from paying the tax.

(Ord. 1-02, passed 1-10-2002) Penalty, see ' 110.99

**' 110.06 CERTIFICATE OF AUTHORITY.**

(A) The Tax Administrator shall issue a certificate of authority to the registrant within ten days after registration.

(B) Certificates are non-assignable and non-transferable and shall be surrendered immediately to the Tax Administrator on cessation of business at the location named or when the business is sold or transferred; however, in the event the business is transferred to a partnership or corporation wherein the proprietor still retains a majority interest, then the operator is only required to register the new name and other required information with the Tax Administrator.

(C) Each certificate shall state the place of business to which it applies and shall be prominently displayed.

(D) The certificate shall state:

- (1) The name of the operator;
- (2) The address of the business;
- (3) The date when the certificate was issued; and

(4) "This Transient Occupancy Registration Certificate signifies that the person named on the certificate has fulfilled the requirements of this Transient Room Tax Ordinance by registering with the Tax Administrator for the purpose of collecting the room tax imposed by this chapter and remitting the tax to the Tax Administrator."

(Ord. 1-02, passed 1-10-2002)

**' 110.07 COLLECTION, RETURNS, AND PAYMENTS.**

(A) The taxes collected by an operator are payable to the Tax Administrator on a monthly basis on the fifteenth day of the following month for the preceding month, and are delinquent on the last day of the month in which they are due.

(B) A return showing tax collections for the preceding quarter shall be filed with the Tax Administrator, in a form prescribed by the Tax Administrator, before the sixteenth day of the month following each collection quarter.

(C) The operator may withhold 5% of the tax to cover the expense of collecting and remitting the tax.

**Halfway - Business Regulations**

(D) Returns shall show the amount of tax collected or due for the related period. The Tax Administrator at his or her discretion may require returns to show the total rentals on which the tax was collected or is due, a detailed explanation of any discrepancy between the amounts, and the amount of rentals exempt.

(E) The operator shall deliver the return and the tax due to the Tax Administrator's office. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

(F) For good cause, the Tax Administrator may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the Transient Room Tax Committee. An operator to whom an extension is granted shall pay interest at the rate of 1.5% per month on the amount of tax due, without prorating for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in ' 110.08.

(Ord. 1-02, passed 1-10-2002)

**' 110.08 DELINQUENCY PENALTIES.**

(A) An operator who has not been granted an extension of time for remittance of tax due and who fails to remit the tax prior to delinquency shall pay a penalty of 10% of the tax due in addition to the tax. The Tax Administrator will inform the Committee in writing of any delinquency of more one month.

(B) An operator who has not been granted an extension of time for remittance of tax due and who fails to pay a delinquent remittance before the expiration of 31 days following the date on which the remittance became delinquent shall pay a second delinquency penalty of 15% of the tax due, the amount of the tax, and the 10% penalty first imposed.

(C) If the Committee determines that nonpayment of a remittance is due to fraud or intent to evade the tax, a penalty of 25% of the tax shall be added to the penalties stated in divisions (A) and (B) above.

(D) In addition to the penalties imposed by this section, an operator who fails to remit the required tax shall pay interest at the rate of 1.5% per month, without prorating for portions of a month, on the tax due, exclusive of penalties, from the date on which the tax first became delinquent until paid.

(E) Each penalty imposed and the interest accrued under provisions of this section shall be merged with and become part of the tax required to be paid.

(F) An operator who fails to remit the tax within the required time may petition the Transient Room Tax Committee for waiver and refund of the penalty or a portion of it. The Committee may, if good cause be shown, direct a refund of the penalty or a portion of it. If any such refund shall exceed \$100, the action of the Committee must be confirmed by the governing body before it is final.

(Ord. 1-02, passed 1-10-2002)



**' 110.09 DEFICIENCY DETERMINATIONS.**

(A) The Tax Administrator shall review returns filed in accordance with this chapter. In doing so, he or she shall have the power to determine if the returns are incorrect and the amount required to be paid on the basis of the facts contained in the return or on the basis of any other information.

(B) A deficiency determination may be made on the amount due for one or more than one period. The determined amount shall be payable immediately on service of notice, after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in ' 110.08.

(C) In making a determination, the Tax Administrator may offset overpayments that have been made against a deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on the deficiency shall be computed as provided in ' 110.08.

(Ord. 1-02, passed 1-10-2002)

**' 110.10 NOTICE OF DETERMINATION.**

(A) The Tax Administrator shall give the operator a written notice of the determination either personally or by mail. If the notice is mailed it shall be done by certified mail, return receipt requested and addressed to the operator at the address that appears on the records of the Tax Administrator, and service is complete when the notice is received by the operator.

(B) Except in the case of fraud or intent to evade the tax, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the monthly period for which the determination has been made or within three years after the return is filed, whichever is later.

(Ord. 1-02, passed 1-10-2002)

**' 110.11 REDETERMINATION.**

(A) A determination becomes payable immediately on receipt of notice and becomes final within ten days after the operator has received notice. However, the operator may petition for redetermination and refund by filing a petition before the determination becomes final as set forth herein.

(B) An operator against whom a determination is made under ' 110.09, or a person directly interested, may petition the Committee for a redetermination, redemption, and refund within the time required in division (A) above provided by the Tax Administrator. If a petition for redetermination and refund is not filed within the time required, the determination is final on expiration of the allowable time.

**Halfway - Business Regulations**

(C) If a petition for redetermination and refund is filed within the allowable period, the Committee shall reconsider the determination and, if the operator requested a hearing in the petition, shall grant the hearing and give the operator 15 days notice of the time and place of the hearing. The Tax Administrator may continue the hearing if necessary.

(D) The Committee may change the amount of the determination as a result of the hearing. If an increase is determined, the increase is payable immediately after the hearing.

(E) The decision of the Committee on a petition for redetermination becomes final 20 days after service of notice on the petitioner unless appeal of the decision is filed with the County Commission by the County Recorder within 20 days after notice is served per ' 110.12 herein.

(Ord. 1-02, passed 1-10-2002)

**' 110.12 APPEALS.**

A person aggrieved by a decision of the Committee may appeal to the governing body in the form prescribed by the Tax Administrator within 20 days of service or mailing by certified or registered mail a copy of the decision. The Commission shall consider the matter at its next regular meeting but may adjourn the matter for a maximum period of one month from the date of that meeting in order to fully investigate the facts. They shall render their decision in writing and no other appeals shall be heard. If not paid within 30 days after the decision is made, collection procedures may begin. The lien mentioned herein becomes effective upon the initial determination.

(Ord. 1-02, passed 1-10-2002)

**' 110.13 FRAUD; REFUSAL TO COLLECT; EVASION.**

(A) If an operator fails or refuses to collect the tax, make the report, or remit the tax, or makes a fraudulent return or otherwise willfully attempts to evade the tax payment, the Tax Administrator shall obtain facts and information on which to base an estimate of the tax due. After determining the tax due and the interest and penalties, the Tax Administrator shall give notice of the total amount due.

(B) Determination and notice shall be made and mailed by certified mail return receipt required within three years after discovery of fraud, intent to evade, failure or refusal to collect the taxes, or failure to file a return. The determination becomes payable immediately on receipt of notice and becomes final ten days after the operator has received notice.

(C) The operator may petition for redemption and refund if the petition is filed before the determination becomes final as set out in ' 110.13 herein.

(Ord. 1-02, passed 1-10-2002)

**' 110.14 SECURITY FOR COLLECTION OF TAX.**

(A) The Transient Tax Committee may require an operator to deposit security in the form of cash, bond, or other security in the event an operator is found to be delinquent in his or her taxes pursuant to any portion of this chapter. However, this section shall not apply if the operator has filed a form of petition affecting payment or any amount of tax due. The amount of security shall be fixed by the Tax Review Committee and shall be not greater than twice the operator's estimated average quarterly liability for the period for which the operator files returns or \$5,000, whichever amount is less.

(B) Within three years after the tax becomes payable or within three years after a determination becomes final, the Tax Administrator may bring an action in the name of the city in the courts of this state, another state, or the United States to collect the amount delinquent and penalties and interest. (Ord. 1-02, passed 1-10-2002)

**' 110.15 LIENS.**

(A) The tax, interest, penalty, and filing fees paid to the Tax Administrator and any advertising costs incurred when the tax becomes delinquent shall be a lien from the date of its recording with the County Clerk until the tax is paid. The lien shall be superior to all subsequently recorded liens on all tangible personal property in the operator's hotel. The lien may be foreclosed and the necessary property may be sold to discharge the lien.

(B) Notice of the lien shall be issued by the Tax Administrator when the operator has defaulted in payment of the tax, interest, and penalty. A copy of the notice shall be sent by certified mail to the operator.

(C) Personal property subject to the lien may be foreclosed in the same manner as a nonpossessory chattel lien as set forth in O.R.S. Chapter 87.

(D) A lien for the tax, interest, and penalty shall be immediately released by the Tax Administrator when the full amount has been paid to the Tax Administrator. The operator or person making the payment shall receive a receipt stating that the full amount of the tax, interest, and penalty has been paid, that the lien is released, and that the record of the lien is satisfied.

(Ord. 1-02, passed 1-10-2002)

**' 110.16 REFUNDS.**

## Halfway - Business Regulations

(A) *Refunds by city to operator.* When the tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator, it may be refunded if a written claim stating the specific reason for the claim is filed within three years from the date of payment. The claim shall be submitted on forms provided by the Tax Administrator. If the claim is approved by the Review Committee, the excess amount may be refunded to the operator or it may be credited to an amount then due and payable by the operator at the option of the Review Committee and any balance refunded.

(B) *Refunds by city to transient.* If the tax has been collected by the operator and deposited with the Tax Administrator and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded to the transient if a written verified claim by the transient stating the specific reason for the claim is filed with the Tax Administrator within three years from the date of payment. Notice of the refund available shall be mailed to the transient at the address the operator has on file or is known to the operator. The county shall give the transient 30 days from the date of mailing in which to file a verified claim for refund. In the event a claim is not made within the 30-day period or in the event the county is unable to locate the transient, said amount shall be deposited into the transient room tax fund. The county is authorized to pay over any refund to an employer of the transient employee or to the transient's agent or successor upon filing the verified claim as herein set forth.

(C) *Refunds by operator to transient.* If the tax has been collected by the operator and it is later determined that the transient occupied the hotel for a period exceeding 30 days without interruption, the operator shall refund the tax to the transient. The operator shall account for the collection and refund to the Tax Administrator. If the operator has remitted the tax prior to refund or credit to the transient, the operator shall be entitled to a corresponding refund.

(Ord. 1-02, passed 1-10-2002)

### ' 110.17 RECORDS TO BE KEPT; EXAMINATION OF RECORDS.

(A) Every operator shall keep guest records, accounting books, and records of room rentals for a period of three years and six months.

(B) During normal business hours and after 72-hour notice to the operator, the Tax Administrator may examine books, papers, and accounting records related to room rentals to verify the accuracy of a return or, if no return is made, to determine the amount to be paid. In the event the operator refuses to turn over the books, then the Tax Administrator shall be entitled to injunctive relief.

(Ord. 1-02, passed 1-10-2002)

### ' 110.18 CONFIDENTIALITY.

The Tax Administrator or a person having an administrative or clerical duty under the provisions of this chapter shall not make known in any manner the business affairs, operations, or information obtained by an investigation of records and equipment of a person required to file a return or pay a transient occupancy tax or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses, or expenditures contained in a statement or application; or permit a statement or application, or a copy of either, or a book containing an abstract or particulars to be seen or examined by any person. However, nothing in this section shall be construed to prevent:

(A) Disclosure to or examination of records and equipment by a city official, employee, or agent for collecting taxes for the purpose of administering or enforcing the provisions or collecting the taxes imposed by this chapter;

(B) Disclosure, after filing a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information concerning tax paid, unpaid tax, amount of tax required to be collected, or interest and penalties. However, the Baker County Attorney shall approve each disclosure, and the Tax Administrator may refuse to make a disclosure referred to in this section when, in the Tax Administrator's opinion, the public interest would suffer;

(C) Disclosure of names and addresses of persons making returns; and

(D) Disclosure of general statistics regarding taxes collected or business done in the county.  
(Ord. 1-02, passed 1-10-2002)

**110.19 TRANSIENT ROOM TAX REVIEW COMMITTEE.**

(A) There shall be appointed a nine-member committee known as the Transient Room Tax Review Committee, as outlined in the appendix to this chapter. The Committee shall appoint one member to act as chair and one member to act as Secretary who shall keep accurate minutes of all discussion and decisions made. The Committee shall have the duty of drawing a budget annually and submitting it to the Budget Board or City Council for approval. After the budget is approved, the Committee shall make arrangements for the disbursement of funds in accordance with the budget and to utilize the monies in accordance with the purposes of this chapter.

(B) Additionally, the Committee shall:

(1) Hear and determine appeals of orders or decisions of the Tax Administrator and prescribe the forms, rules, and regulations relating to appeals. The Committee may affirm, modify, or reverse a decision or dismiss an appeal. In reviewing a decision of the Tax Administrator, the Committee may take evidence and make an investigation. It shall give notice of its determination in the manner prescribed for serving notice of a Tax Administrator's decision and shall file a certified copy of each determination with the Tax Administrator. A determination becomes final after 20 days and becomes due, subject to interest and penalties and enforceable by the Tax Administrator in the same manner as an order or decision of the Tax Administrator;

(2) Approve, modify, or disapprove all forms, rules, and regulations prescribed by the Tax

Administrator if the forms, rules, and regulations are challenged in the administration and enforcement of this chapter;

(3) Hear and determine protests made to a form, rule, or regulation approved or prescribed by the Tax Administrator;

(4) Prescribe rules for extensions and, for good cause, grant extensions of time in excess of one month for filing a return or paying the tax;

(5) Make investigations regarding imposition and administration of the tax and report its findings to the County Commission; act in an advisory capacity to the County Commission on matters pertaining to the tax and enforcement problems; and recommend to the County Commission the adoption, amendment, or repeal of legislation pertaining to the tax; and

(6) Any other duties as otherwise set out herein.

(C) In the event that this chapter is amended to change the requisite qualifications for members, sitting members of the Committee who do not then qualify for membership because of such amendment shall have a period of 210 days in which to qualify. If any member does not so qualify within said 210 day period, then that member shall be removed from the Committee.

(Ord. 1-02, passed 1-10-2002)

#### **110.20 DISPOSITION AND USE OF FUNDS.**

(A) All revenues received from the tax shall be deposited into a special fund known as the Transient Room Tax Fund. The Tax Administrator's office shall be allocated not more than 5% of the revenue (net of the 5% to the collector) collected for administration of this chapter. The remaining revenue shall be spent in the following manner:

(1) Seventy-five percent - Promotion, acquisition, construction, operation, and maintenance of recreational, cultural and tourist related services. It is the intent that the revenue be used to promote Baker County, Oregon.

(2) Twenty-five percent - Economic development. Any unused revenues may be invested by the Tax Administrator at the highest rate available and such revenues and interest shall be allocated to the Transient Room Tax Fund to be used for the purposes of this chapter.

(B) Effective with the start date and thereafter, all revenues received from the tax shall be deposited by the Tax Administrator into a special fund known as the Transient Room Tax Fund. Revenues received from the tax shall be allocated and expended as follows and not otherwise.

(1) To the organization that is contracted and approved to Market Baker County by the Tax Committee.

(2) All funds must be expended for the promotion, acquisition, construction, operation, and maintenance of recreational and tourist-related services. It is the intent that the revenue so raised be used to promote the county.

(3) Prior to May 1 of each year, the organizations that are proposing to market the county shall submit a budget indicating how those agencies intend to expend the funds allocated as a result of this chapter. The Committee shall have the power to review said budgets and approve expenditure of funds.

(4) Any unused revenues may be invested by the Tax Administrator at the highest rate available, and such revenues and interest shall be allocated to the Transient Room Tax Fund to be used for the purposes of this chapter.  
(Ord. 1-02, passed 1-10-2002)

**110.21 SOLE TAX.**

In the event any other tax of this nature is assessed upon the operation affected by this chapter, then from the effective date of the new, this tax shall cease and this chapter shall be of no further force and effect.  
(Ord. 1-02, passed 1-10-2002)

**110.22 SUNSET.**

This chapter shall be reviewed in two years and five years after its adoption, and at least every five years thereafter by the governing body.  
(Ord. 1-02, passed 1-10-2002)

**110.99 PENALTY.**

Failure to register pursuant to this chapter is punishable by a fine not to exceed \$100 per day for each continuing day of violation, in addition to the penalties assessed for non-payment as set forth herein.  
(Ord. 1-02, passed 1-10-2002)





**APPENDIX: BAKER COUNTY TRANSIENT ROOM TAX REVIEW COMMITTEE**

(A) Comprised of nine persons.

(B) Each outlying Baker County community (Haines, Richland, Halfway, Sumpter, Unity, and Huntington) will appoint one member.

(C) The Baker County Commission will appoint one member.

(D) Communities that do not enact TRT will not be allowed representation on the TRT Committee.

(E) A minimum of four must represent the lodging industry.

(F) If the lodging requirement is not met, the cities and the county will be asked to reconsider their appointments to meet the requirement.

(G) At no time can there be more than three TRT members who simultaneously serve on the board of any recipient marketing agent.

(H) Committee decisions will be made by consensus (with an emergency escape provision in case of serious deadlock).

(I) For periods after June 30, 2003, the TRT Committee shall have the power to replace the marketing agent in the event that circumstances make that necessary. In that case, the TRT Committee could distribute to a new marketing agent or agents for carrying on efforts as envisioned in the ordinances.

(J) The initial marketing agent shall be Baker County Unlimited, Inc.  
(Ord. 1-02, passed 1-10-2002)



## CHAPTER 111: SOCIAL GAMES

### Section

- 111.01 Definitions
- 111.02 Gambling prohibited
- 111.03 Premise license
- 111.04 Considerations when reviewing application
- 111.05 Temporary suspension of license
- 111.06 Regulations
- 111.07 Powers of city

- 111.99 Penalty

### **Statutory reference:**

*Authority to regulate and license social games, see O.R.S. 167.121*

### **111.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GAMBLING.** Any contest, game, gaming scheme, or gaming device played for anything of value in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein; except the term **GAMBLING** shall not include social games as defined herein.

### **SOCIAL GAMES.**

(1) A game, other than a lottery, between players in a private home where no house player, house bank, or house odds exist, and there is no house income from the operation of the social game.

(2) The game of black-jack or otherwise known as “21” between players and a private business, in a private club or place of public accommodation where no house player, house bank, or house odds exist, and there is not income from the operation of the social game.

(Ord. 6-88, passed 6-19-1988)

**' 111.02 GAMBLING PROHIBITED.**

No person shall participate in, operate, or assist in operating any gambling game or activity. (Ord. 6-88, passed 6-19-1988) Penalty, see ' 111.99

**' 111.03 PREMISE LICENSE.**

(A) No person who owns, manages, or operates a private business, private club, or place of public accommodation shall permit a social game between players at a place without first securing a premise license for such purpose from the City Council.

(B) The cost of a premise license shall be \$100 annually, with renewal due when establishment=s liquor license is due, during the first week of September. Premise licenses in effect and due for renewal more than one month from the first week of September when this amendment is passed, shall have the fee prorated for this renewal only. There shall be no prorata refund of said fee in the event the license is revoked. In accordance with ' 111.06 of this chapter, only one table will be permitted per license. However, a special permit may be obtained for special occasions, limited to three consecutive days, allowing licensee more than one table. Cost for this special permit will be \$25 per additional table per three-day occasion.

(C) Application for a premise license shall include the following:

(1) Name of proposed licensee, date of birth, social security number, ODL number, location of place of business, place of residence for past five years, and any criminal record; and

(2) Maximum betting of the game.

(D) The premise license issued under this section shall not be assignable or transferable. A change in ownership of licensed business shall require a new application for license.

(E) The premises shall provide all cards and gaming equipment.

(Ord. 6-88, passed 6-19-1988; Ord. 9.1-01, passed 9-13-2001) Penalty, see ' 111.99

**' 111.04 CONSIDERATIONS WHEN REVIEWING APPLICATION.**

When reviewing an application for a premise license, the City Council shall consider:

(A) Applicant's criminal record, if applicable;

(B) Completeness, authenticity, and accuracy of the application;

(C) Prior gaming violations; and

(D) Evidence of good character.

(Ord. 6-88, passed 6-19-1988)

**' 111.05 TEMPORARY SUSPENSION OF LICENSE.**

(A) A premise license shall be temporarily suspended if there are reasonable grounds to suspect that the holder of the premise license has violated any provision of this chapter or has committed any act that would have denied him or her from receiving the initial license under ' 111.04.

(B) Any premise licensee who has been temporarily suspended pursuant to division (A) above, shall be entitled to a hearing to be held by the City Council.

(Ord. 6-88, passed 6-19-1988)

**' 111.06 REGULATIONS.**

(A) The City Council may limit the types of games played.

(B) Violation of the following acts is hereby unlawful.

(1) Each licensee shall have only one A21@ table except as provided by ' 111.03 of this chapter.

(2) Any winning player may take the deal if he or she prefers, providing that player proves his or her financial capability of covering all bets before each hand. Any player may waive his or her turn a deal.

(3) All premises shall be opened to police inspection during all hours of operation. The premise license must be displayed for public view at all times.

(4) The playing of all card games shall be so arranged as to provide free access and visibility to any interested party. Doors leading into the premises must remain unlocked during all hours of operation with games limited to legal liquor hours.

(5) No person under the age of 21 years shall be permitted to participate in any card game or to enter or remain upon such premises.

(6) No charge shall be collected from any player for the privilege of participating in any game.

**Halfway - Business Regulations**

(7) No signs or advertising of gambling, playing of cards, or advertising specific forms of card playing, enticing participants, or procuring players shall be permitted. Signs visible from inside the building informing the public in which areas cards may be played will be allowed.

(8) The licensee may set a minimum bet not to exceed \$1 and a maximum bet not to exceed \$5. Splitting or doubling shall constitute more than one hand.

(9) No premise licensee shall participate in any social gaming, nor procure players, back, farm out, assign, or sublet in card games lawfully permitted under this chapter on the premises in which said licensee has an interest or works.

(10) No premise licensee shall permit persons who are visibly intoxicated to participate in gaming activities. The licensee shall supply the Police Department with the hours of operation of the establishment. These hours must be displayed in public view in the premises at all times.

(11) No alcoholic drinks or beverages shall be purchased for or furnished at no cost to the players by a premise owner, manager, employee, or supervisor.

(12) No guns or firearms of any kind will be allowed on anyone=s person inside the premise, except as carried, by official law enforcement officers.

(13) Each premise shall have assigned to it a person whose duties shall include supervision of any games played within the premises and see to it that they are played strictly in accordance with this chapter, and within the provisions of the Oregon Revised Statutes. No premise licensee shall permit any person to engage in unlawful gambling in or upon any licensed premises. The premise licensee shall regulate the times for the use of its premises.

(Ord. 6-88, passed 6-19-1988) Penalty, see ' 111.99

**' 111.07 POWERS OF CITY.**

The city and its law enforcement agencies shall have, in addition to any other powers that it may have conferred by statute, ordinance, or otherwise, the right to inspect and examine, in connection with social games, all premises, equipment, and supplies in, upon, or about premises where cards are played. In the course of exercising their duties under this section, they may summarily seize and remove from such premises and impound any gaming equipment or supplies for the purposes of examination and inspection of said gaming equipment and supplies.

(Ord. 6-88, passed 6-19-1988)

**' 111.99 PENALTY.**

Upon certification by any member of a law enforcement agency that any of the regulations of ' 111.06 have been violated, the affected premise license shall be suspended until a court hearing and trial have been completed. Violation of this chapter is punishable, upon conviction, by a fine of not more than \$2,500, or imprisonment in the county jail for a period not to exceed one year, or both, and where other city ordinances or state laws are violated, such violations are punishable in accordance with such acts. Each day of violation constitutes a separate offense. Conviction of a violation shall result in the permanent revocation of a license.

(Ord. 6-88, passed 6-19-1988)





## CHAPTER 112: ALCOHOLIC BEVERAGES

### Section

112.01 Adoption of specified state liquor laws

#### ' 112.01 ADOPTION OF SPECIFIED STATE LIQUOR LAWS.

The following enumerated liquor laws of Oregon as amended are hereby adopted by reference and made a part of this chapter.

O.R.S. 471.035	O.R.S. 471.475
O.R.S. 471.130	O.R.S. 471.480
O.R.S. 471.135	O.R.S. 471.485
O.R.S. 471.405	O.R.S. 471.490
O.R.S. 471.410	O.R.S. 471.657
O.R.S. 471.425	O.R.S. 471.660
O.R.S. 471.430	O.R.S. 471.675
O.R.S. 471.440	O.R.S. 471.680
O.R.S. 471.445	O.R.S. 471.990

(Ord. 5-1, passed 9-14-1967) Penalty, see ' 10.99



## CHAPTER 113: TAXICABS

### Section

- 113.01 Definitions
- 113.02 Operator=s license
- 113.03 Investigation of application
- 113.04 Decision of City Council; public hearing
- 113.05 Number of licenses; temporary licenses; emergency licenses
- 113.06 Transfer, cancellation, suspension, or revocation of license
- 113.07 License fees; expiration date; renewal
- 113.08 Taxicab equipment and maintenance
- 113.09 Charges and fares

### ' 113.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** City of Halfway, Oregon.

**COUNCIL.** The City Council of the City of Halfway.

**PERSON.** Any natural person, firm, partnership, association, or corporation, whether acting by themselves, by servant, agent, or employee.

**TAXICAB.** Every self-propelled vehicle having seating capacity of five passengers or less, as per manufacturer's rating, except cars for rent without drivers, used for the transportation of passengers for hire, and not operated exclusively over a fixed and defined route.

(Ord. 5.9, passed - - )

### ' 113.02 OPERATOR=S LICENSE.

(A) Every owner of a taxicab shall, before operating or permitting the operation of such taxicab, secure a license from the city.

**Halfway - Business Regulations**

(B) An application for a license for the operation of one or more taxicabs shall be filed with the City Recorder, along with an application fee of \$10. Each application shall be verified under oath and provide the following information:

- (1) The name, business address, and residence address of owner;
  - (2) The number of vehicles owned and the number of vehicles operated by the owner on the date of application;
  - (3) The number of vehicles for which a license is desired;
  - (4) The number and suggested location of taxicab stands if any are sought;
  - (5) The make, type, year of manufacture, and passenger seating capacity of each taxicab for which application for a license is made;
  - (6) A statement whether the applicant or any officers of the applicant have been convicted of any crime, misdemeanor, or violation of any municipal ordinance or state law (other than minor traffic and parking offenses), the nature of the offense, and the punishment or penalty set; and
  - (7) Such other information as the City Council may deem necessary in all applications or in individual application for the proper protection of the public.
- (Ord. 5.9, passed - - ) Penalty, see ' 10.99

**' 113.03 INVESTIGATION OF APPLICATION.**

(A) Before any taxicab application (except application for renewal and temporary licenses) is acted upon by the City Council the Council shall have the resident city deputy make an investigation within 30 days from the date the application is brought before the City Council. A committee may be appointed to assist him or her in said investigation. The resident city deputy may require the applicant or any person named in the application to be finger printed and photographed when he or she considers such action necessary to complete his or her investigation.

(B) Upon completion of such investigation, the resident city deputy and the committee, if one is appointed, shall transmit to the City Council their recommendation for or against the issuance of the license. The findings in writing on the following:

- (1) The demand of the public for additional taxicab service;
- (2) The adequacy of existing mass transportation and taxicab services;
- (3) The financial responsibility and experience of the applicant;
- (4) The number, kind, and type of equipment to be used;

- (5) The effect the additional taxicab service may have upon traffic congestion and parking;
- (6) Whether the additional taxicab service will result in a greater hazard to the public; and
- (7) Such other relevant facts as the City Council may deem advisable or necessary.

(Ord. 5.9, passed - - )

**' 113.04 DECISION OF CITY COUNCIL; PUBLIC HEARING.**

(A) In deciding whether or not to grant a license for which application is made, the City Council shall consider whether or not the public convenience and necessity require the operation of a taxicab for which application is made; along with all other matters contained in the report of the resident city deputy and committee if one is appointed.

(B) In determining whether the public convenience and necessity require the operation of a taxicab for which application is made, the City Council may hold a public hearing.

(C) The City Council may grant a license to any applicant and may determine the number of licenses to be granted to any applicant in accordance with the provisions of this chapter.

(D) No license other than an emergency license may be issued to any person who has not complied with all the requirements of this chapter before commencement of the proposed service.

(E) In considering applications, an application for renewal shall be given preference over new applications, providing the applicant for renewal has met and is meeting the requirements of this chapter.  
(Ord. 5.9, passed - - )

**' 113.05 NUMBER OF LICENSES; TEMPORARY LICENSES; EMERGENCY LICENSES.**

(A) No more than one taxicab shall be licensed by the provisions of this chapter for each 1,000 people residing within the city, as shown by the last official census, provided however, that temporary licenses may be issued for a period of not to exceed one week upon the payment of a fee of \$7.50 for each additional taxicab used for conveying passengers at such times as there may be in the city a public gathering, celebration, or other temporary increase in the number of visitors as to warrant, in the judgment of the City Council, the issuing of such additional temporary license of licenses. Said temporary licenses may be issued by the City Council without an investigation.

(B) The City Council, where it finds it advisable, may issue an emergency license or licenses to an applicant for a period of not more than 30 days while said applicant is being investigated.

(C) Any party holding a valid license at the time this chapter is passed shall continue to operate under such license for 30 days from the date this chapter takes effect.

(Ord. 5.9, passed - - )

**' 113.06 TRANSFER, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSE.**

(A) No license may be sold, assigned, or mortgaged or otherwise transferred without the consent of the City Council by resolution. The City Council may grant, or deny or impose such conditions with respect to the transfer of a license as it may deem to be in the best interests of the public safety and the general welfare.

(B) An application for transfer of any license is subject to the same terms, conditions, and requirements as the application for the original license.

(C) If a persons sells his or her taxi business or discontinues the taxi business for a period of ten consecutive days without obtaining permission for cessation of such operation from the City Council, all licenses held by said persons shall be automatically cancelled and may be re-issued only in accordance with this chapter.

(D) Any license may be suspended or revoked by the City Council at any time, whenever any one or more of the following conditions exist:

(1) The City Council finds the owner's past record to be unsatisfactory;

(2) The owner failed to operate the taxicab in accordance with the provisions of this chapter;

(3) The owner ceases to operate any taxicab for a period of ten consecutive days without obtaining permission for cessation for such operation from the City Council;

(4) Taxicabs are operated at a rate of fare other than that approved by Council resolution;  
and/or

(5) The owner neglects to pay any of the fees or payments required to be paid by him or her by the provisions of this chapter.

(Ord. 5.9, passed - - ) Penalty, see ' 10.99

**' 113.07 LICENSE FEES; EXPIRATION DATE; RENEWAL.**

The bi-annual fee for licenses issued under the provisions of this chapter, except temporary and emergency licenses, shall be \$50 for each vehicle, payable in advance, and said licenses shall expire two years after the date of issuance and no license shall be issued hereunder otherwise than on payment of the full amount of the required license fee. A license may be renewed by the City Council upon application of the licensee without an investigation.

(Ord. 5.9, passed - - ) Penalty, see ' 10.99

### ' 113.08 TAXICAB EQUIPMENT AND MAINTENANCE.

#### (A) *Taxicab equipment.*

(1) No person shall be granted a license to operate a taxicab unless the vehicle conforms with all the provisions of this chapter.

(2) Each taxicab shall bear a number on the outside of the vehicle in a conspicuous place in a legible manner.

(3) All taxicabs shall be equipped with and carry a sign bearing the word ATaxi@ together with the name of the concern, company, corporation, or association operating the taxicab.

#### (B) *Taxicab maintenance.*

(1) The resident city deputy may at any time after displaying proper identification enter any licensed cab to ascertain whether any of the provisions of this chapter are being violated.

(2) Any taxicab observed or found to be in violation of any safety requirement of the state or the city shall be ordered immediately out of service, and before being placed in service said defect shall be corrected.

(3) The interior of every taxicab shall be kept thoroughly clean at all times.

(Ord. 5.9, passed - - ) Penalty, see ' 10.99

### ' 113.09 CHARGES AND FARES.

(A) No person owning, operating, managing, or driving any taxicab in the city shall make a charge at any greater or lesser rate than authorized by the City Council.

(B) The city shall be divided into zones for the purpose of setting standard taxi fares. Said zones and fares shall be set by resolution of the City Council and may be changed from time to time by a like resolution.

(C) There shall be displayed in the passenger compartment of each taxicab in full view of the passenger, in large bold type, the correct schedule of rates to be charged and a certified copy of the map

showing the zones as established by Council resolution.  
(Ord. 5.9, passed - - ) Penalty, see ' 10.99



## CHAPTER 114: PEDDLERS AND SOLICITORS

### Section

- 114.01 License required
- 114.02 Definitions
- 114.03 Applications
- 114.04 Investigation of applicant; issuance or disapproval
- 114.05 License fee
- 114.06 Transfer of license
- 114.07 Exhibition of license
- 114.08 Enforcement of regulations
- 114.09 Revocation of license
- 114.10 Appeal

### ' 114.01 LICENSE REQUIRED.

It is unlawful for any person to engage in business as a peddler or solicitor, as defined in this chapter, within the corporate limits of the city, without first obtaining a license as herein provided.  
(Ord. 5-9, passed - - ) Penalty, see ' 10.99

### ' 114.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***NONPROFIT ORGANIZATIONS.*** Any corporation, association, society, or other organization which is organized or associated together on a nonprofit basis and the purpose of such organization or association in its operations is conducted without the intent to produce profit in money and an officer of such organization or association has filed an affidavit of nonprofit status with the City Recorder.

### ***PEDDLER.***

(1) Includes any person traveling by any means from place to place, house to house, or street to street offering or exposing goods, wares, merchandise, or services for sale, or making sales and delivering articles to purchasers.

**Halfway - Business Regulations**

(2) Shall not be interpreted to include those persons calling upon business firms, either in delivery of goods or soliciting orders for merchandise, goods, or services which are regularly handled or used by the business firms in their regular course of business.

(3) This chapter shall not be interpreted to apply to milk, groceries, or other merchandise deliveries or services ordered by a resident or sold by an area merchant and delivered to the purchaser as a service.

**PERSON.** Includes the singular, plural, firm, corporation, association, partnership, society, or other organizations.

**SOLICITOR.**

(1) Includes any person traveling by any means from place to place, house to house, or street to street taking or attempting to take orders for sale of goods, wares, merchandise or services for future delivery or to be furnished in the future, regardless of the method of payment.

(2) Shall not be interpreted to include those persons calling upon business firms, either in delivery of goods or soliciting orders for merchandise, goods, or services which are regularly handled or used by the business firms in their regular course of business.

(3) This chapter shall not be interpreted to apply to milk, groceries or other merchandise deliveries or services ordered by a resident or sold by an area merchant and delivered to the purchaser as a service.

(Ord. 5-9, passed - - )

**' 114.03 APPLICATIONS.**

A licensee, under this chapter, must file with the City Recorder a sworn application, in writing, on a form to be furnished by the City Recorder, which shall give the following information:

(A) The name and description of the applicant or if made on behalf of a nonprofit organization, the name and address of an officer whose residence is in the city;

(B) Address, both permanent and local address, if any;

(C) A brief description of the nature of business and the goods or services to be sold. In the case of products of farms or orchards, a statement whether the produce to be sold is grown by the applicant; and

(D) If the applicant is employed, the name and address of the employer, together with credentials establishing an exact relationship. Except in the case of a nonprofit organization, a photograph of the applicant shall be furnished which photograph shall have been taken within 60 days immediately prior to the date of the filing of the application and shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(Ord. 5-9, passed - - )

**114.04 INVESTIGATION OF APPLICANT; ISSUANCE OR DISAPPROVAL.**

(A) Upon receipt of an application, the same shall be referred to the resident deputy sheriff who shall cause investigation of the applicant’s business and moral character to be made as shall be deemed necessary for the protection of the public interest.

(B) The Chief of Police, within seven days from the date of the application, shall endorse the application as “satisfactory” or “unsatisfactory” and, if the same shall be endorsed “unsatisfactory,” the reason for such endorsement shall be set forth thereon. If the application is not returned to the City Recorder within 15 days, it shall be presumed that the endorsement is satisfactory.

(C) Where the application is endorsed “satisfactory” or if days have elapsed without the return of the application by the Chief of Police, the City Recorder shall then issue a license card addressed to the applicant for the carrying on of the business applied for. The license shall contain the signature and seal of the issuing officer and shall show the name, address, and photograph of the licensee, if the licensee is not a nonprofit organization, and the kind and goods to be sold thereunder, the date of issuance and the expiration date of the license. The City Recorder shall keep a permanent record of all licenses for a period of two years from the date of issuance.

(D) If the application is returned from the Chief of Police endorsed “unsatisfactory,” the City Recorder shall notify the applicant that his or her application has been disapproved and the reasons therefor.

(Ord. 5-9, passed - - )

**114.05 LICENSE FEE.**

(A) Except as herein specifically exempted for payment of fees, all persons applying for a license shall pay a fee in the sum of \$5 as an application fee and an annual license fee in the sum of \$1. Licenses may be renewed on an annual basis upon payment of a license fee in the amount of \$1.

(B) No application or license fee shall be required of one selling products of the farm or orchard actually produced by the seller, a newspaper carrier soliciting subscriptions, or a nonprofit organization making application on behalf of its members.

(C) All licenses run from January 1 to December 31 inclusive. Licenses issued after the first of July shall pay one-half of the annual license fee.  
(Ord. 5-9, passed - - ) Penalty, see ' 10.99

**' 114.06 TRANSFER OF LICENSE.**

No license shall be used at any time by any person other than the one to whom it is issued.  
(Ord. 5-9, passed - - ) Penalty, see ' 10.99

**' 114.07 EXHIBITION OF LICENSE.**

Peddlers and solicitors are required to exhibit their license card at the request of any citizen.  
(Ord. 5-9, passed - - ) Penalty, see ' 10.99

**' 114.08 ENFORCEMENT OF REGULATIONS.**

It shall be the duty of any police officer of the city to require any person seen peddling or soliciting and who is not known by the officer to be duly licensed to produce his or her license card and to enforce the provisions of this chapter against any person found to be violating the same.  
(Ord. 5-9, passed - - ) Penalty, see ' 10.99

**' 114.09 REVOCATION OF LICENSE.**

(A) Licenses may be revoked by the City Recorder, after notice of hearing for any of the following causes:

- (1) Fraud and misrepresentation or false statement contained in an application for license;
- (2) Fraud and misrepresentation or false statement made in the course of carrying on the business as peddler or solicitor;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; and/or
- (5) Conducting the business of peddling or soliciting in an unlawful manner or in such a manner to constitute a menace to the health, safety, or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing setting forth the grounds of the complaint and the time and place for hearing. The notice shall be mailed, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for hearing.

(Ord. 5-9, passed - - )

**' 114.10 APPEAL.**

Any person aggrieved by the action by the Chief of Police or the City Recorder in denial or revocation of his or her license shall have the right to appeal to the City Council. The appeal shall be taken by filing with the Council within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for the hearing of the appeal and notice of the hearing shall be given to the appellant in the same manner as notice of revocation. The decision and order of the Council on the appeal shall be final and conclusive.

(Ord. 5-9, passed - - )

