Uniform Business Practices
Procedures

3.820 **Uniform Business Practices - Procedures Generally**. The procedures and requirements of sections 3.820 to 3.840 of this code apply to all persons regulated by the uniform business practices set out in this chapter, unless otherwise provided.

(Section 3.820 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985.)

3.825 **Uniform Business Practices - Investigations**.

(1) When it appears that a person has engaged in, is engaging in, or is about to engage in any activity in violation of the uniform business practices set out in this chapter, the city may cause to be served a written investigative demand upon any person believed to have information, documentary material, or physical evidence relevant to the alleged or suspected violation. An investigative demand may require the person to testify under oath, to answer written interrogatories, or to produce relevant documentary material or physical evidence for examination, at a reasonable time and place.

(2) Prior to the time required to answer an investigative demand, or within 20 days after the demand's service, whichever period is shorter, a petition to extend the return date, or to modify or set aside the demand may be filed in the Municipal Court.

(3) Service of any investigative demand under subsections (1) and (2) of this section shall be made in accordance with the laws of the State of Oregon governing service of summons in an action, or as otherwise directed by the municipal court.

(4) If any person after being served with an investigative demand under may, after notice, apply to the this section fails or refuses to obey the investigative demand, the city Municipal Court and, after hearing, request an order:

(a) Granting injunctive relief to restrain the person from engaging in any aspect of the business or activity that involved the alleged violation;

(b) Granting such other relief as may be required, until the person obeys the investigative demand.

(5) Any disobedience of any order of the Municipal Court under this section shall be punished as contempt of court.

(Section 3.825 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985.)

3.830 **Uniform Business Practices - Injunctive Relief**.

(1) When the city attorney has probable cause to believe that a person is engaging in, has engaged in, or is about to engage in any activity

in violation of the uniform business practices set out in this chapter, the city attorney may bring suit in the name of the city in the Municipal Court to restrain the person from engaging in the alleged unlawful business practice.

(2) Except as provided in subsections (5) and (6) of this section, before filing a suit under subsection (1) of this section, the city attorney shall notify the person charged in writing of the alleged violation and the relief to be sought. Such notice shall be served in the manner set forth in section 3.825 of this chapter for the service of investigative demands. The person charged shall have 10 days to execute and deliver to the city attorney an assurance of voluntary compliance. Such assurance shall set forth what actions, if any, the person charged intends to take with respect to the alleged violation. The assurance of voluntary compliance shall not be considered an admission of a violation for any purpose. If the city attorney is satisfied with the assurance of voluntary compliance, it may be submitted to the Municipal Court for approval and if approved shall be filed with the clerk of the court and the city manager.

(3) The city attorney may reject any assurance:

(a) Which does not contain a promise to make restitution in specific amounts or through arbitration to persons who suffered any ascertainable loss of money or property as a result of the alleged violation; or

(b) Which does not contain any provision, including but not limited to the keeping of records, which the city attorney reasonably believes to be necessary to insure the continued cessation of the alleged violation.

(4) Violation of any of the terms of an assurance of voluntary compliance which has been approved and filed with the court shall constitute a contempt of court.

(5) If, within two years prior to the filing of a suit, the person charged with the violation submitted to the city attorney an assurance of voluntary compliance which was accepted by and filed with the Municipal Court, the city attorney need not comply with the provisions of subsection (2) of this section before filing suit. The city attorney shall, however, serve notice on the defendant in accordance with the procedure set forth in section 3.825 of this chapter at least 10 days prior to filing suit.

(6) If the city attorney alleges that he or she has reason to believe that the delay caused by complying with the provisions of subsection (2) or (5) of this section would cause immediate harm to the public health, safety or welfare, the city attorney may immediately institute a suit under subsection (1) of this section.

(7) A temporary restraining order may be granted without prior notice to the person if the Municipal Court finds there is a threat of

immediate harm to the public health, safety or welfare. The court shall fix a time not to exceed 10 days after which the temporary restraining order shall expire by its terms, unless within the time fixed, the order, for good cause shown, is extended for a like period or unless the person restrained consents that it may be extended for a longer period.

(Section 3.830 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985; and administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998.)

3.835 **Uniform Business Practices - Remedial Power of Court**. The municipal court may make any additional orders or judgments necessary to restore to any person any money or property of which the person was deprived by any violation of the uniform business practices set out in this chapter, or necessary to insure cessation of unlawful business practices.

(Section 3.835 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985; and administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998.)

3.840 **Uniform Business Practices - Administrative Powers of the City Manager**. The city manager may adopt rules for the efficient enforcement, administration and interpretation of the uniform business practices set out in this chapter, including but not limited to rules regarding the application procedure for certification cards required by this chapter. The rules shall be adopted in accordance with section 2.019.

(Section 3.840 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985; and administratively amended by Ordinance No. 19742, enacted January 14, 1991.)

3.842 **Uniform Business Practices - Certification Cards; Procedures Generally**. Application, issuance, denial, revocation and suspension of certification cards required under this chapter shall be governed by the procedures and requirements set out in sections 3.015 to 3.075 of this chapter.

(Section 3.842 added by Ordinance No. 19338, enacted June 26, 1985, effective July 26, 1985; and administratively amended by Ordinance No. 19742, enacted January 14, 1991.)