

**ORDINANCE NO. 935**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE, TITLE 5,  
BUSINESS LICENSES, PERMITS, AND REGULATIONS**

WHEREAS, the Stayton City Council finds it appropriate that selected business activities be licensed and regulated to protect the public from fraud or abuse;

WHEREAS, Title 5 of Stayton Municipal Code (SMC; Code), establishes the requirements for these certain business activities within the City of Stayton to be licensed;

WHEREAS, SMC Title 5 has not been comprehensively reviewed since its enactment over 20 years ago;

WHEREAS, some businesses are now regulated by the State of Oregon and the Stayton City Council determines that a local license is not appropriate;

WHEREAS, the Stayton City Council desires to promote the activities of local civic organizations without imposing undue burdens of licensure;

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. SMC Title 5 amended.** Stayton Municipal Code, Title 5 is hereby amended, in parts, as shown on Exhibit A, attached hereto and incorporated herein.

**Section 2. Effective Date.** This ordinance shall become effective July 1, 2011.

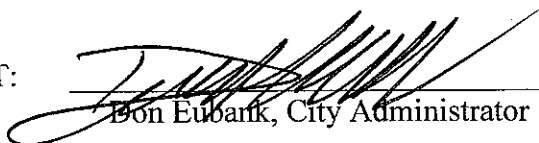
ADOPTED BY THE STAYTON CITY COUNCIL this 16<sup>th</sup> day of May 2011.

CITY OF STAYTON

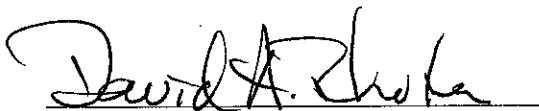
Signed: 5/17, 2011

BY:   
A. Scott Vigil, Mayor

Signed: 5/17, 2011

ATTEST:   
Jon Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

TITLE 5

BUSINESS LICENSES, PERMITS, AND REGULATIONS

CHAPTERS

5.04	Purpose and Definitions
5.08	<u>Business Licenses, Permits, and Regulations, and Violations</u>
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5.16	Garage Sales
5.20	<del>Itinerant Merchants and Solicitors</del>
5.24	Liquor Licenses
5.28	Merchant Patrols and Private Security Businesses
5.32	Secondhand Dealers and Pawnbrokers
5.36	Junk Dealers
<u>5.40</u>	<u>Carnivals, Amusement Parks, or Amusement Concessionaires</u>
<u>5.44</u>	<u>Promotional Events</u>

CHAPTER 5.04  
PURPOSE AND DEFINITIONS

SECTIONS

- 5.04.010 Purpose
- 5.04.020 Definitions

5.04.010 PURPOSE

The purpose of Title 5 is to ~~protect the general health, safety and welfare, by provide~~ providing for the regulation of licensed those businesses designated herein in Section 5.04.020, and for the recovery of expenses incurred in issuing licenses, and revenue for general municipal operations. (Ord. 668)

5.04.020 DEFINITIONS

For the purposes of this Title-5, the following words and phrases mean:

1. **ADMINISTRATOR:** City Administrator or designate
2. ~~AMUSEMENT DEVICE:~~
  - a. ~~Any machine or device designed to be used for amusement only or for playing a game, upon the insertion of a coin or anything representing a coin, or for which a consideration is charged for operation of said machine or device, or which does not vend or deliver any article or price of value.~~
  - b. ~~Amusement device includes but shall not be limited to: pool tables, pocket billiards, billiards, snooker, cushion pool, bumper pool, pinball machines, foosball, air hockey, shuffleboard, electronic impulse games, driving, flying or steering skill games, bowling games other than regulation sized bowling alleys, shooting gallery games not requiring live ammunition, imitation horses, rocket ships, airplanes and similar devices providing rides for amusement.~~
  - e. ~~Amusement device does not include any machine owned or regulated by the Oregon Lottery.~~
3. **AUCTION:** A method of public sale whereby the object for sale is secured by highest bidder.
4. ~~AUCTION (TEMPORARY):~~ An auction which is conducted during a period not to exceed seventy two (72) hours.
5. **CARNIVAL, AMUSEMENT PARK, AMUSEMENT CONCESSIONAIRE:** An amusement enterprise which may consist of sideshows, vaudeville, games of chance, merry-go-round, and other rides and food concessions.
6. **CIVIC ORGANIZATION:** A non-profit organization assembled for the purpose of advancing the economic, educational, industrial, professional, cultural, and religious,

~~and/or civic welfare of the local area, including the cities of Stayton and Sublimity and the urban growth boundaries of both cities.~~

7. **COLLECTIBLE:** Printed material ~~whose~~ the rarity or excellence of which makes it worth collecting ~~by fanciers.~~ (Ord. 680, 1990)
8. **EDUCATIONAL INSTITUTION:** Any local institution of learning, public or private, or associated organizations or local service clubs assembled for the purpose of advancing the welfare of the institution and its student body.
9. **EMPLOYEE:** A person for hire, having no proprietary interest in the employer's enterprise/activity.
10. **EMPLOYER:** A person who employs the services of others for compensation.
11. **ESTABLISHED BUSINESS:** The sale of goods, wares, or merchandise, or the rendering or offering to render services, professional or otherwise, to the public generally; or the engaging in the manufacturing, distribution or leasing of goods, wares or merchandise; or the renting of apartments, hotel rooms, motor courts, trailer camps or cabins, or the engaging in the mercantile, commercial contracting, industrial, manufacturing or construction occupation, carried on for profit from a business firm address within the City. ~~This shall not include ordinary labor for hire.~~
12. **GARAGE SALE:** Any sale, displaying of goods for sale, or offer to sell, ~~commonly known as a "garage sale," and including temporary auction, antique, rummage, tailgate, or any other sale of similar nature wherein all or part a~~ majority of the goods consist of used personal property and which takes place at the residence of (one of) the seller(s); provided, however, that such activity shall be exempt from the requirement for a license if it is operated by, or the proceeds go to, a recognized charitable (or religious) civic organization or institution, or is conducted as a home occupation in compliance with Title 17.
13. ~~**ITINERANT MERCHANT/SOLICITOR:**~~
  - a. ~~Any person, representative, or employee of such person who, traveling or not traveling from place to place, carries goods, merchandise, food products to sell, offers to sell, takes or attempts to take orders for the sale of such goods or services or any type of personal property for delivery or performance in the future.~~
  - b. ~~This definition includes, but shall not be limited to, persons carrying or exposing for sale a sample of the item for sale or demonstrates the service to be performed, collects advance payments on sales, without making this activity a permanent and continuous business within the City.~~
  - c. ~~"Itinerant Merchant" includes peddler, hawker, and huckster.~~
  - d. ~~"Solicitor" includes canvasser, except where such person is eliciting information, not in contemplation of present or future sales.~~

e. ~~Unless otherwise provided in this Title, such activity shall not include established businesses for the sale of goods, wares, or merchandise; the rendering or offering to render services, professional or otherwise, to the public generally; the engaging in the manufacturing, distribution, or leasing of goods, wares, or merchandise; the renting of apartments, hotel rooms, motor courts, trailer camps or cabins; or the engaging in the mercantile, commercial contracting, industrial, manufacturing, or construction occupation, carried on for profit from a business firm address within the City; selling products of the farm, or orchard produced by the seller or family; vendors of newspapers; wholesalers making deliveries to or taking orders from established businesses; and distributors making deliveries of dairy products.~~

~~This shall not include ordinary labor for hire.~~

14. **JUNK:** Includes, but is not limited to, used vehicles, vehicle parts, or abandoned vehicles; used machinery, machinery parts, used iron or other metal, glass, waste material, discarded material or abandoned personal property of any nature, except reconditioned or rebuilt vehicle parts, sold by a wholesale distributor having an established place of business to an established business for resale.
15. **JUNK DEALER:** A person engaged in the business of junk sales, operating or maintaining a junk yard, or a place or building within the City for the storage or dismantling vehicles, devices, or machines, but does not include an establishment conducted solely and exclusively for the sale of used automobiles in condition to be and intended to be licensed and operated.
16. **LOCAL:** Of or pertaining to the areas within the urban growth boundaries of the cities of Stayton and/or Sublimity and the areas located within the urban growth boundaries of either City.
17. **MERCHANT PATROL/PRIVATE SECURITY ENTERPRISES:** Any person engaged in the business of ~~monitoring, selling, leasing, installing, and maintaining security alarm system, watching, guarding, or protecting any premises, property, or persons; provided, however, that such activity shall be exempt from license~~ the requirements of this Title if the individual who has only one employer and is employed to watch, guard, or protect only his the employer's premises (property or person), ~~or such activity engaged in by the City, county, or state police.~~
18. **NON-PROFIT:** Activities or functions which are tax exempt and not intended to benefit or bring monetary gain to private individuals, but are for the benefit of a local civic organization, educational institution, or community.
19. **PAWNBROKER:** Any person engaged in conducting, managing, or carrying on the business of loaning money, for ~~himself themselves~~ or for another, upon personal property, personal security, pawns, or pledges; or engaged in the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors, or their assigns, at a price agreed upon at or before the time of such purchase.

20. **PAWNSHOP:** Any room, store, or place in which any pawnbroker business is carried on or conducted.
21. **PERSON:** Individuals, representatives, partnerships, joint ventures, corporations, limited liability corporations, or other entity or group acting in concert with each other.
22. **PRIVATE DETECTIVE**
- a. A person who accepts employment for hire, fee, or reward to furnish or supply information as to the personal character, actions, or identity of a person or as to the character or kind of business or occupation of a person.
  - b. Such activity shall be exempt from ~~license~~this definition if the private investigator is employed exclusively by one employer in connection with a business, or is a detective or officer belonging to the law enforcement agencies of the United States or of any state, county, or City; insurance adjusters licensed by the State are exempt from ~~license~~this definition when the adjuster is operating in the capacity of and for adjusting of insurance for a company licensed by the State.
- 22-A. **PROMOTIONAL EVENT:** An out-of-doors activity or series of activities conducted by or sponsored by a business or individual (the promoter) for the purpose of attracting public attention or involvement to promote an activity, organization, or business, including, but not limited to, temporary amusements, features, or structures brought onto the premise such as inflated bouncing structures, horse or carnival rides. Any use of outdoor temporary amusements or carnival rides or devises sponsored by an existing business, at no charge or cost to the public.
23. **SECONDHAND DEALER:** A person who is engaged in the established or itinerant business of selling secondhand tools, wares, merchandise, or goods for private gain, or conducts auctions (used/new goods), except temporary auctions, garage sales, and sale of books or magazines, or collectibles. (Ord 668, 1990; 680, 1990)
- 23-A **SOLICITOR:** Any person, representative, or employee of such person who, traveling from place to place, carrying goods, merchandise, or food products to sell, offer to sell, or to take or attempts to take orders for the sale of such goods or services or any type of personal property or service for delivery or performance in the future.
- a. "Solicitor" includes peddler, hawker, huckster, and canvasser, except where such person is eliciting information, not in contemplation of present or future sales.
  - b. Such activity shall not include established businesses; vendors of newspapers; wholesalers making deliveries to or taking orders from established businesses; and the delivery of products already purchased.
24. **WAIVER:** A decision by the City Council to grant, on a case by case basis, a request that enforcement of the licensing or permit regulations provided by this ~~title~~Title be set aside for a certain and specific activity or fund raising event. (Ord 668, 1990; 680, 1990; 693, 1991)

## CHAPTER 5.08

### BUSINESS LICENSES, PERMITS, AND REGULATIONS, AND VIOLATIONS

#### SECTIONS

5.08.110	License/Permit Required
5.08.120	Application for License
5.08.130	Application Review
5.08.140	License/Permit Fees: Computation and Payment
<del>5.08.150</del>	<del>License/Permit Fees: Designated</del>
5.08.160	License/Permit Fees: Collection Costs and Attorney
5.08.170	Exemptions from License/Permit Requirements
5.08.180	License/Permit Issuance: Recordkeeping
<del>5.08.190</del>	<del>Denial of License/Permit Application</del>
5.08.200	Transfer or Assignment of License/Permit
5.08.210	Display of License/Permit
5.08.220	License/Permit Renewal: Late Penalty
5.08.230	Revocation or Suspension of License/Permit
5.08.240	Appeals
5.08.250	<u>Violation and Penalty Fee Appeals</u>

#### 5.08.110 LICENSE/PERMIT REQUIRED

1. No person shall engage in any of the following businesses or activities ~~activity or operate any device designated in Title 5~~ within the City limits without first obtaining a license or permit as provided in this Title, except as otherwise exempted herein:
  - a. Carnival, amusement park, amusement concessionaire;
  - b. Garage sale;
  - c. Junk dealer;
  - d. Promotional event; or
  - e. Solicitor.
2. The term of a license or permit shall be on a twelve (12) month cycle (commencing on the month of issuance) unless otherwise indicated. (Ord 668)

#### 5.08.120 APPLICATION FOR LICENSE

Application for all licenses and permits required by this Title 5 shall ~~provide for~~ include information necessary to determine the identity and address of the applicant and of the owner of any enterprise, nature of activity, or device to be licensed, and shall ~~provide for~~ include such other information required by this Title 5 or ~~to that~~ accomplishes an appropriate review. The application shall be signed ~~and sworn to~~ by the applicant. (Ord 668)

5.08.130 APPLICATION REVIEW

1. The Administrator shall refer any license/permit application to any person, department, or agency of the City or any party otherwise deemed appropriate to review the application.
2. In reviewing the qualifications of an applicant, the following shall be considered, when appropriate:
  - a. Conformity of the proposed activity or use of device to this ~~title Code~~ and with ~~local, other cities',~~ state, and federal law;
  - b. Unreasonable dangers to public health, safety, or property which may result from the proposed activity or use of the device or activity;
  - c. Past violations of laws or ~~ordinances~~ municipal code by the applicant or employees; and
  - d. Other considerations as to prior business practices, protection of the public ~~good~~ health, safety and welfare, and as otherwise specifically required by this ~~title~~ Title. (prior code 3.045)
3. Upon receipt and review of the application by the reviewing party, each shall endorse the application as satisfactory or not satisfactory and return the application to the Administrator, who shall approve the application and issue the license/permit, or reject deny the application, and notify the applicant ~~accordingly~~ in writing the reasons for such denial. The notice shall inform the applicant of the provisions of this Chapter providing for appeal to the City Council. (Ord 668)

5.08.140 LICENSE FEES: COMPUTATION AND PAYMENT

1. No license or permit shall be issued until payment of fees, if any, as designated in and in accordance with ~~Title 5a~~ resolution to be approved by the City Council.
2. ~~Fees collected monthly are payable on the first day of each month. Fees collected quarterly are payable on January 1st, April 1st, July 1st, and October 1st.~~
3. ~~The number of persons, employees, or units for which a license/permit fee is charged shall be determined by the daily average of the number of employees for the preceding twelve (12) months.~~
4. A person engaged in carrying on more than one business enterprise or activity designated in this ~~title~~ Title shall pay the license/permit fee required for each business enterprise or activity of them. (Ord 668)

5.08.150 ~~LICENSE/PERMIT FEES: DESIGNATED~~

~~The fees for all businesses, enterprises/activities specifically designated in Title 5 shall be as follows and are not refundable:~~

1. ~~Amusement Devices:~~
  - a. ~~Amusement devices not capable of accruing free or additional plays: Fifty Dollars (\$50.00) per year.~~



- b. ~~No amusement device fee shall be charged to carnivals, amusement parks, or amusement concessionaires, which pay a fee otherwise or are deemed exempt hereunder.~~
- 2. ~~Carnival, Amusement Park, Amusement Concessionaire: Three Hundred Dollars (\$300.00) for a period not to exceed twelve (12) months.~~
- 3. ~~Promotional Event Fee: Twenty Dollars (\$20.00) per day for a period not to exceed five (5) consecutive days provided that there shall be no charge or cost to the public for carnival rides or devices sponsored by an existing business. The event shall be limited to include no more than two (2) promotional activities at one time.~~
- 4. ~~Garage Sale: Five dollars (\$5.00) per permit for a maximum seventy-two (72) consecutive hours.~~
- 5. ~~Itinerant Merchant and Solicitor:
 
  - a. ~~Employing or operated by one person: Twenty Dollars (\$20.00) per day; Fifty Dollars (\$50.00) per week; One Hundred Dollars (\$100.00) per month; One Hundred Fifty Dollars (\$150.00) for three months; or Three Hundred dollars (\$300.00) for twelve (12) months.~~
  - b. ~~In addition, Five Dollars (\$5.00) per day for a permit for each additional representative or employee.~~~~
- 6. ~~Liquor License: Twenty Five Dollars (\$25.00) upon application.~~
- 7. ~~Merchant Patrol, Private Security Enterprises:
 
  - a. ~~Employing or operated by one person in the City: One Hundred Dollars (\$100.00) for twelve (12) months.~~
  - b. ~~Employing more than one person in the City: Ten Dollars (\$10.00) for twelve (12) months for each additional representative or employee.~~~~
- 8. ~~Secondhand Dealers and Pawnbrokers: Twenty Five Dollars (\$25.00) for twelve (12) months.~~
- 9. ~~Junk Dealer: Twenty five dollars (\$25.00) For twelve (12) months (Ord. 763, 1, October 1996).~~

5.08.160 LICENSE/PERMIT FEES: COLLECTION COSTS AND ATTORNEY FEES

The City may sue in any court of competent jurisdiction to obtain a judgment and enforce collection thereof by execution for any fee or late charge due but unpaid under this ~~title~~Title. In any such suitaction, the prevailing party is entitled to recover reasonable attorney fees to be set by the court, in addition to its costs and disbursements. (Ord 668)

5.08.170 EXEMPTIONS FROM LICENSE/PERMIT REQUIREMENTS

The following activities, in addition to those activities otherwise specifically exempted in this Title, shall be exempt from licensing:

1. ~~Billiard, pool, or card table, bowling alley, shooting gallery, shuffleboard or similar game, maintained by any service club or fraternal order for use by its members (including any such device or place, not for hire, maintained in a private dwelling or living quarters).~~
2. Dance or performance, carnival, amusement park, amusement concessionaire, operated, or conducted by or for the sole benefit of any ~~charitable, benevolent, or fraternal organization, service club, civic body, or school~~civic organization.
3. Person(s) collecting donations of personal property or money for any ~~religious~~civic organization or in connection with any recognized, nationally conducted charity or in connection with any local civic activity ~~provided that any such person register that person's name, address, and a current telephone number with the Administrator, together with a statement of intent to solicit for an exempted purpose, prior to any such solicitation.~~
4. Sidewalk sale, flea market, rummage sale, or other similar activity conducted on an infrequent basis by any group in connection with a civic organization, ~~charitable, religious, or other not-for-profit activity.~~
5. Upon receipt of written request, the Administrator may exempt other activities or devices from the licensing provisions of this ~~title~~Title when, in the Administrator's judgment, it does not appear that the purposes of this ~~title~~Title would be served by such licensing. (Ord 668)

#### 5.08.180 LICENSE/PERMIT ISSUANCE: RECORDKEEPING

1. After receipt of reports from all persons, departments, and agencies designated to review an application, the Administrator shall determine whether the applicant qualifies for issuance of a license/permit, in accordance with the requirements of Section 5.08.130.2. If the applicant so qualifies, upon first payment of the license/permit fee, the Administrator shall issue the license/permit.
2. Such license/permit shall contain the signature of the ~~Administrator~~issuing officer, and shall show the name and address of the licensee, the class of license issued, the kind of goods or services to be provided thereunder, the amount of fee paid, the date of issuance, and the expiration date. In the case of itinerant merchants and solicitors, it shall also bear a ~~current~~ photograph of the licensee taken at the time of application.
3. The Administrator shall keep a record of all licenses/permits issued in accordance with the state public records laws. (Ord 668)

#### 5.08.190 ~~DENIAL OF LICENSE/PERMIT APPLICATION~~

~~If, on the basis of the application review pursued in accordance with this title, the Administrator determines that the applicant does not qualify for issuance of a license or permit, the Administrator shall notify the applicant in writing that the application has been denied. The notice shall state the reason for denial and inform the applicant of the provisions of this chapter providing for appeal to the City Council. (Ord 668)~~

5.08.200 TRANSFER OR ASSIGNMENT OF LICENSE/PERMIT

1. No license or permit issued under the provisions of this ~~title~~ Title shall be used at any time by any person other than the one to whom it was issued, unless duly assigned or transferred as provided herein.
2. Any assignment or transfer of a license or permit shall be invalid unless approved by the Administrator, but if any person sells or transfers the entire enterprise for which such license has been paid, and the transfer is approved, then the purchaser of that enterprise is not required to pay an additional license fee for the balance of the term for which the fee was previously paid. (Ord 668)

5.08.210 DISPLAY OF LICENSE/PERMIT

1. A license or permit issued for an activity at a fixed place of business shall be displayed at all times on the premises where it can be easily read.
2. A license or permit issued for an activity which is not at a fixed place of business shall be ~~carried~~ displayed at all times by the licensee or permittee and all designated employees while engaged in the activity. Upon request, the licensee or permittee or any designated employee shall show the license or permit to any person with whom ~~he~~ the individual is dealing as part of the ~~licensee or licensed or permittee-permitted~~ activity or to an officer of the City.
3. ~~Amusement licenses must be displayed upon the device as provided in Chapter 5.12. (Ord 668)~~

5.08.220 LICENSE/PERMIT RENEWAL: LATE PENALTY

1. The application for renewal of an annual license or permit shall be made to the Administrator prior to the license/permit expiration date.
2. A penalty of ~~Two Dollars and Fifty Cents (\$2.50), or twenty-five (25%) percent, of the annual fee, whichever is greater,~~ shall be added to the license fee accompanying any late renewal application. (Ord 668)

5.08.230 REVOCATION OR SUSPENSION OF LICENSE/PERMIT

1. Upon determination that a licensed or permitted activity, establishment, or device is in violation of this ~~title~~ Code ~~or local~~, state, or federal law, the Administrator shall notify the licensee/permittee in writing that the license is to be revoked. The notice shall be mailed (certified mail, return receipt requested) not less than thirty (30) days prior to the effective date of revocation.
2. Upon determination that a licensed or permitted activity or device presents an immediate danger to the public or property, the Administrator may suspend a license/permit at once. The suspension shall take effect immediately upon notice being received by the licensee/permittee. The Administrator may continue a suspension so long as the reason for the suspension exists or until other disposition is made by the City Council.

3. Notice of revocation or suspension shall be in writing, shall state the reason for revocation or suspension, the effective date thereof, and shall inform the licensee/permittee of appeal rights as provided herein.
4. ~~If there is to be a hearing of any kind on a revocation or suspension before the Administrator, council, or otherwise, notice of such hearing shall be mailed to the licensee/permittee at the place of business, or last known address which appears in the City's license/permit records at least ten (10) days prior to the date set for a hearing. (Ord 668).~~

#### 5.08.240 APPEALS

1. Any applicant, licensee, or permittee aggrieved by the action of the Administrator in the denial, suspension, or revocation of a permit or license or by the action of the Administrator in the assessing determination of the fee, shall have the right to appeal to the City Council.
2. If a notice of revocation has been appealed, the revocation shall not take effect until final determination of the appeal by the City Council.
3. Such appeal shall be taken-perfected by filing a written statement with the City Council setting forth fully the grounds for such appeal. The statement shall be filed within fourteen (14) days after notice of the action complained of has been mailed to the applicant.
4. The City Council shall set a time and place for a hearing on such appeal and notice of the hearing before the ~~council~~ Council shall be given to the applicant as provided in this Title. be mailed to the licensee/permittee at the place of business that appears in the City's license/permit records at least ten (10) days prior to the date set for a hearing.
5. The decision and order of the City Council on such appeal shall be final. (Ord 668)

#### 5.08.250 FEE APPEALS VIOLATION AND PENALTY

~~None of the license/permit fees provided for by this title shall be applied so as to occasion an undue burden upon interstate commerce. If a licensee/permittee or applicant for license/permit (herein referred to as "applicant") believes the named fixed fee creates such a burden, on application, the Administrator may adjust the fee, so that such fee will not be discriminatory, unreasonable, or unfair to interstate commerce in accordance with the following provisions:~~

1. ~~Such application may be made before, at the time of, or within six (6) months after payment of the prescribed license/permit fee.~~
2. ~~The applicant shall, by affidavit and supporting testimony, show the method of business and the gross volume or estimated gross volume of business, and such other information as the Administrator may deem necessary to determine the extent of any undue burden on commerce.~~
3. ~~The Administrator shall then conduct an investigation, comparing applicant's business with businesses of like nature and shall make findings of fact from which there shall be~~

~~determined whether the fee fixed by this title is unfair, unreasonable, or discriminatory as to applicant's business.~~

- ~~4. If the Administrator determined that the assessed fee is unfair or discriminatory as to applicant's business, the license fee shall be fixed at an amount that is fair, reasonable, and nondiscriminatory. If the fee has already been paid, there shall be a refund of the amount in excess of the fee so fixed.~~
- ~~5. In fixing the fee to be charged, the Administrator may base the fee upon a percentage of gross sales or use any other method which will assure that the fee assessed is in uniform with that assessed on similar businesses, so long as the amount assessed does not exceed the fees prescribed in this title.~~

A violation of this Title is punishable by a fine of not less than One Hundred Dollars (\$100.00) but not to exceed Five Hundred Dollars (\$500.00). Each day that an activity continues after notice of the violation shall be considered a separate offense.

CHAPTER 5.12  
AMUSEMENT DEVICES

SECTIONS

- 5.12.310 — Licensing Requirements
- 5.12.320 — License Fee: Late Charge
- 5.12.330 — Violation: Penalty

5.12.310 — LICENSING REQUIREMENTS

1. — Amusement Device: It is unlawful for any person to sell, lease, distribute, place, use, or have in their possession with an intent that such shall be used, any amusement device within the City without first securing a license for such device as provided herein except those used by traveling amusement park or carnival show companies whose devices are temporarily located within the City for a period not to exceed seven (7) days unless otherwise exempt by this title. No license shall be issued for the sale, lease, distribution, placing, or operation of any amusement device which is reasonably intended for gambling.

- a. — Display: Any person obtaining a license for an amusement device shall at all times display the current license upon the device in a conspicuous place, so as to be easily read by all persons undertaking to play, operate, or examine the device. (Ordinance 569, Section 1(part): prior code 3.045)
- b. — The police chief or designate shall investigate and examine all places of business maintaining or subject to maintaining amusement devices at any reasonable time to determine whether such place of business is complying with the terms of Title 5 (prior code 3.410).

2. — Carnivals, Amusement Parks, or Amusement Concessionaires shall not be permitted to operate within the City without first obtaining a license, unless otherwise specifically exempted in this title. (Ord 668)

5.12.320 — LICENSE FEE: LATE CHARGE

Whenever any fee required by this chapter is not paid when due, the Administrator shall add to the fee as a late charge, an amount equal to ten percent (10%) of the fee for each month or part thereof during which the fee and late charge amounts remain unpaid. The total late charge shall not exceed one hundred percent (100%) of the original fee. The late charge shall be considered separate and distinct from the late renewal penalty as provided in this title. (Ord 668)

5.12.330 — VIOLATION: PENALTY

A violation of a provision of sections of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00). (Ord 668)

CHAPTER 5.16  
GARAGE SALES

SECTIONS

- 5.16.410      ~~Permit: Required~~Issuance
- 5.16.420      ~~Permit: Duration~~
- 5.16.430      ~~Conduct~~
- 5.16.440      ~~Waiver of Requirements~~
- 5.16.450      ~~Violation: Penalty~~

5.16.410      ~~PERMITS REQUIRED~~PERMIT ISSUANCE

1. ~~Persons engaged in conducting garage sales shall have a permit (unless otherwise exempted by this title).~~
2. ~~The Administrator shall issue a permit for a garage sale upon application from any person and receipt of the required fee, without formal investigation as provided herein, if it appears from the application that the applicant will comply with the terms and provisions of this title~~Chapter regulating the conduct of garage sales. (Ord 668)

5.16.420      ~~PERMIT: DURATION~~

1.      Permits issued for garage sales shall be valid for such period of times as the permit states, but in no event shall a permit be issued for a period of time exceeding seventy-two (72) consecutive hours.
2.      No more than four (4) permits per year shall be issued for any person or for any one location. (Ord 668)

5.16.430      ~~CONDUCT~~

All garage sales shall be conducted wholly upon the premises of the permittee, unless otherwise specified in the permit. (Ord 668)

5.16.440      ~~WAIVER OF REQUIREMENTS~~

~~Any of the requirements and limitations of this title applicable to garage sales may be waived by the City Council upon application. Application for a waiver may be oral or in writing, and shall include the specific reason(s) for requesting such waiver. (Ord 668)~~

5.16.450      ~~VIOLATION: PENALTY~~

~~A violation of a provision of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00). (Ord 668)~~

CHAPTER 5.20  
ITINERANT MERCHANTS AND SOLICITORS

SECTIONS

- 5.20.510 License: Required, Application
- 5.20.520 License: Waiver of and Exemption from Requirements
- 5.20.530 License: Representatives or Employees
- 5.20.540 Use of Streets
- 5.20.550 Noise Control
- 5.20.560 License: Grounds for Revocation
- ~~5.20.570 Violation: Penalty~~

5.20.510 LICENSE: APPLICATION

- ~~1. Itinerant merchants and solicitors shall have a license unless otherwise exempted by this title.~~
2. License applications for itinerant merchants and solicitors shall contain include a current photograph of the applicant and (all representatives and employees) taken at the time of application and the license number of the motor vehicle(s) to be used, in addition to the other information required by this Chapter. (Ord 668)

~~5.20.520 WAIVER OF AND EXEMPTION FROM REQUIREMENTS~~

- ~~1. Any of the requirements and limitations of this title regulating itinerant merchants and solicitors may be waived by the City Council. Application for a waiver shall be in writing and shall include the specific reasons for requesting such waiver.~~
- ~~2. Fund raising events or activities sponsored by and for the sole benefit of an educational institution or civic organization shall be exempt from any requirements and limitations of this title which regulate itinerant merchants and solicitors. (Ord. 693, 1991).~~

5.20.530 LICENSE: REPRESENTATIVES OR EMPLOYEES

1. ~~An itinerant merchant or~~ A solicitor ~~may~~ shall file applications for licenses for all representatives or employees as a part of the principal application.
2. The application shall contain the names of all persons to be permitted as representatives or employees of the ~~license~~solicitor. ~~;~~ ~~¶~~The license shall be issued to the employer designating the names and numbers of persons as named in the application.
3. The employer may make substitutions and may request the Administrator to amend the license from one representative or employee to another without payment of any additional fee, upon furnishing the required licensing information on that substituted person and subject to the same requirements as the original employee. (Ord 668)



5.20.540 USE OF STREETS

1. ~~Itinerant merchants or solicitors~~Solicitors shall not have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, A solicitor ~~nor shall any not~~ be permitted to operate in any congested area where such operations might endanger, impede, or inconvenience the public.
2. The Administrator, at the time of license issuance, shall inform the applicant of any congested areas where the solicitor may not operate. Regardless of the locations identified by the Administrator, the judgment of the a police officer or enforcement officer at the scene, shall be deemed conclusive as to whether the area is congested or the public is endangered, impeded, or inconvenienced, and whereupon a solicitor shall move to an alternate location upon request. (Ord 668)

5.20.550 NOISE CONTROL

~~An itinerant merchant, solicitor, or any person in their behalf, shall not shout or use any sound devices, including any loudspeakingloudspeaker, radio, or sound-amplifying system in any public or private premises of the City from which sound of sufficient volume is emitted to be heard in any public area, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee is promoting to sell~~in violation of Section 8.04.140 of this Code. (Ord 668)

5.20.560 LICENSE: GROUNDS FOR REVOCATIONCRITERIA FOR APPROVAL

In review of an application for a license for a solicitor, the Administrator shall conduct a check of the applicant's previous record of licensure or criminal background. The Administrator shall issue a license unless the Administrator finds any of the following conditions have occurred~~Licenses issued to any itinerant merchant or solicitor may be revoked by the Administrator, after notice, and hearing if requested, in accordance with provisions of this Title for any of the following causes:~~

1. Fraud, misrepresentation, or false statement contained in the application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on ~~the an~~ enterprises as an itinerant merchant or solicitor in Stayton or in other communities;
3. Any violation of this ~~title-Title~~ or any City ordinance~~other Title of the Stayton Municipal Code, or local, state, or federal law;~~
4. Conviction with the past five years of any crime or misdemeanor involving ~~moral turpitude~~fraud, identity theft, or misappropriation of funds; and, or
5. Conviction as a predatory sex offender ~~Conducting the activity or enterprise in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.~~ (Ord 668)

5.20.570 VIOLATION: PENALTYLICENSE: GROUNDS FOR REVOCATION

Licenses issued to any solicitor may be revoked by the Administrator after notice, and hearing if requested, in accordance with provisions of this Title for any of the causes listed in Section 5.20.560 as reasons for denial of a license. In addition, conducting the activity or enterprise in

an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public shall be grounds for revocation of a license. A violation of a provision of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00). (Ord 668)

CHAPTER 5.24  
LIQUOR LICENSES

SECTIONS:

5.24.610 Cost of Application Process

5.24.610 COST OF APPLICATION PROCESS

The Oregon Liquor Control Commission may require of every applicant for a liquor license the recommendation, in writing, of the City Council. In the event such recommendation is so required, the applicant shall pay for the cost of processing prior to the City Council's consideration of the license request in accordance with the schedule determined by City Council resolution. (Ord 668, July 2, 1990)(Ord. 825, January 2, 2001)

CHAPTER 5.28  
MERCHANT PATROLS AND PRIVATE SECURITY ENTERPRISES

SECTIONS

- 5.28.710      Certification Required~~License Required: Applicability~~
- 5.28.720      ~~License: Affidavit Required~~
- 5.28.730      ~~License: Representatives or Employees~~
- 5.28.740      ~~License: Grounds for Revocation~~
- 5.28.750      ~~Bond Required~~
- 5.28.760      ~~Conduct Requirements~~
- 5.28.770      ~~Regulations~~
- 5.28.780      ~~Violation: Penalty~~

5.28.710      LICENSE~~CERTIFICATION-REQUIRED: APPLICABILITY~~

~~This chapter shall apply to~~Any merchant patrol, private security enterprises, private detectives, security systems, telephone alarms, and similar enterprises (hereinafter referred to as "Merchant Patrol/private security business;" conducting business or operating within the City shall have a current certification or license from the Oregon Department of Public Safety, Standards and Training pursuant to ORS Chapters 181 or 703. ~~(prior code 3.105)~~

~~This chapter shall apply to merchant patrol and private security businesses and their employees, as defined this title, doing business in the City, and shall require they be licensed as provided herein unless otherwise exempted by this title.~~ ~~(Ord 668)~~

5.28.720      LICENSE: AFFIDAVIT REQUIRED

~~There shall be submitted with an application for a merchant patrol/private security enterprise license the following:~~

1.      ~~An affidavit setting out the full name, date of birth, residence, present occupation, and occupations for the preceding five (5) years for each person, employer or employee, proposing to engage in the merchant patrol/private security business as delineated herein. Such affidavit shall show facts sufficient to prove the good character, competency, and integrity of each such affiant and shall list misdemeanor and felony convictions.~~
2.      ~~Supporting statements, in writing, from not less than five (5) reputable citizens, each of whom shall certify as to personal acquaintance and knowledge of the affiant for a period of at least five (5) years prior to the filing of the affidavit and that it is believed the affiant is competent, honest, and of good character, and that he would recommend to the Administrator that the affiant is suitable to engage in a merchant patrol/private security enterprise delineated herein.~~ ~~(Ord 668)~~

~~5.28.730 — LICENSE: REPRESENTATIVES OR EMPLOYEES~~

- ~~1. — All prospective representatives or employees of any licensed merchant patrol/private security enterprise delineated herein shall be subject to all the applicable requirements of this title prior to beginning activities within the City.~~
- ~~2. — At the termination of any person from employment with any delineated licensed merchant patrol/private security enterprise operating within the City, notice of such termination shall be given by the licensee, in writing, within twenty-four (24) hours to the Administrator. (Ord 668)~~

~~5.28.740 — LICENSE: GROUNDS FOR REVOCATION~~

~~If at any time new facts arise or become known to the Administrator which would be sufficient to warrant refusal or withholding of a license under this title, the Administrator shall notify the licensee of such facts and inform the licensee that unless the same are satisfactorily explained forthwith, the license shall be revoked, in accordance with provisions of this title. (Ord 668)~~

~~5.28.750 — BOND REQUIRED~~

~~Any merchant patrol/private security enterprise applicant or licensee shall furnish a corporate surety bond in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), conditioned on the faithful performance and honest conduct of all watching, guarding, or protective undertakings of the applicant or licensee. Such bond shall be payable to the City for the benefit of the City or members of the public damaged by the conduct of the licensee. (Ord 668)~~

~~5.28.760 — CONDUCT REQUIREMENTS~~

~~The activities of a licensee and its representatives or employees shall be of such nature and appearance that they will not be mistaken for members of the City police department, nor bring criticism upon themselves which is founded in fact. (Ord 668)~~

~~5.28.770 — REGULATIONS~~

~~The following specific regulations shall be adhered to at all times by any employee or person affiliated with any licensed merchant patrol/private security enterprise's activities in the City:~~

- ~~1. — The enterprise's uniform shall all be identical, provided the uniforms and markings shall be of a different color than those worn by any City, county, or state law enforcement officers.~~
- ~~2. — A person carrying firearms and licensed as a merchant patrol/private security person shall not loiter in or around the premises of a licensed liquor establishment, whether or not employed by that establishment.~~
- ~~3. — Any merchant patrol/private security person having knowledge of a crime shall immediately notify the Police Department and stand by until regular officers arrive. At no time shall the person conduct an investigation beyond determining that crime has been committed.~~

4. ~~At no time shall any member of a licensed merchant patrol/private security organization convey the impression, by word or action, that that person enjoys any official capacity with the City or any other government agency. (Ord 668)~~

5.28.780 ~~VIOLETION: PENALTY~~

~~A violation of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00). (Ord 668)~~

CHAPTER 5.32  
SECONDHAND DEALERS AND PAWNBROKERS

SECTIONS

- ~~5.32.810~~ License Required: Application
- 5.32.820 Recordkeeping
- 5.32.830 Record Forms
- 5.32.840 Property Sales
- 5.32.850 Articles to be Tagged
- 5.32.860 Dealings with Minors and Those Under the Influence of Intoxicants Prohibited
- 5.32.870 Inspection of Articles and Records
- ~~5.32.880~~ Violation: Penalty

~~5.32.810~~ LICENSE REQUIRED: APPLICATION

~~Secondhand dealers and pawnbrokers as defined in this title, doing business in the City shall have a license unless otherwise exempted herein. (Ord 668)~~

5.32.820 RECORDKEEPING

1. Any secondhand dealer or pawnbroker, ~~or an itinerant secondhand dealer or itinerant pawnbroker~~ conducting a business in the City, shall keep a daily ledger written in the English language, in indelible form, of any articles received on deposit, pledged, or purchased, including a description thereof; day and hour of purchase; name and address of person from whom received on deposit, pledged, or purchased; the form of identification shown; the amount loaned or price paid; and, if applicable, the number of the pawn ticket. Such record shall be open for inspection by any police officer at all reasonable times. No entry in such records may be changed, erased, obliterated, or defaced (prior code 3.203).
2. Pawn tickets issued shall be numbered consecutively, and if stubs are used in connection with such pawn tickets, each stub shall be numbered consecutively to conform to the ticket.
3. If any article so on deposit, pledge, or purchase has engraved thereon any number, word, or initials, or contains any setting of any kind, the description ~~of such~~ in the records shall contain such number, word, or initial, and shall show the kind of settings and number of each kind.
4. No secondhand dealer shall be required to record ~~such~~ the description of any property purchased from manufacturers or wholesale dealers having an established place of business, or secured from any person doing business and having an established place of business in the City, but such goods shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any police officer upon request.
5. The record concerning articles or material shall be kept for at least one (1) year after the date of receipt of such articles or materials.

6. When any ~~licensee discontinues business~~ is discontinued, such records or duly authenticated copies thereof shall be delivered to the ~~P~~Police ~~D~~Department or shall be disposed of as it directs. (Ord 668)

#### 5.32.830 RECORD FORMS

1. In addition to any other records required to be kept by this ~~title~~Chapter, all secondhand dealers and pawnbrokers shall, at the time of taking, receiving, or purchasing any article for the ~~licensed business~~, place the description of the following articles or things pledged, pawned, received, or purchased, upon a pawn ticket:
  - a. Jewelry, gems, or precious metals with a retail market value of over ~~thirty~~thirty-five dollars (~~\$30~~\$350.00);
  - b. Television, video and stereo equipment;
  - c. Cameras and camera equipment;
  - d. Firearms, operable or not operable;
  - e. Furniture with a retail market value of over ~~two~~five hundred dollars (~~\$200~~\$500.00);
  - f. Power tools; and
  - g. Computers and electronic gaming devices.
2. The pawn ticket form shall be approved by and shall include such information as the ~~chief~~Chief of ~~police~~Police may direct. Every person regulated by the provisions of this ~~e~~Chapter shall deliver to the Police Department every Monday all such pawn tickets describing articles or things pledged, pawned, bought, taken, or received during the preceding week; such pawn tickets must be fully completed. (Ord 668)

#### 5.32.840 PROPERTY SALES

1. No property listed in 5.32.830 ~~Shall~~shall be sold from the secondhand dealer or pawnbroker's place of business for seven (7) days after purchase.
2. Whenever any police officer serves notice in writing to any secondhand dealer or pawnbroker not to sell any property received on deposit, or purchased, or permit same to be redeemed, the property shall not be sold, redeemed, or otherwise disposed of until such time as may be determined by the Police Department, not exceeding fifteen (15) days from the day of notice aforesaid. Any property purchased by the dealer which is determined to be stolen property, may be seized by the Police Department and may be returned to the rightful owner without any recovery of purchase price to the dealer from the owner or the City. (Ord 668)

#### 5.32.850 ARTICLES TO BE TAGGED

Any secondhand dealer or pawnbroker receiving in pledge, by purchase or otherwise, any article or goods shall affix to the article or goods a tag upon which shall be written a number, in legible characters, which number shall correspond to the number in the book required to be



kept as heretofore provided or provide an alternative form of identifying articles to correspond to the book record approved by the Police Department. (Ord 668)

5.32.860 DEALINGS WITH MINORS AND PERSONS UNDER THE INFLUENCE OF INTOXICANTS PROHIBITED

No secondhand dealer or pawnbroker shall buy or receive on deposit or for pledge any article or thing whatsoever from or sell any article or thing to any person under the influence of intoxicants. No secondhand dealer or pawnbroker shall buy or receive on deposit or for pledge any article or thing whatsoever from or to any person under the age of eighteen (18) years. (Ord 668)

5.32.870 INSPECTION OF ARTICLES AND RECORDS

Any person ~~licensed to do~~ doing business as a secondhand dealer or pawnbroker, and any person employed by such ~~dealer~~ business, shall permit a representative of the Police Department entry to ~~his~~ the business premises for the limited purpose of inspecting any articles received on deposit, pledged, or purchased in the business as regulated by this ~~chapter~~ Chapter and/or the records incident thereto, to ensure compliance with the provisions of this ~~title~~ Title. Such inspections may be made at any reasonable time. (Ord 668)

~~5.32.880~~ VIOLATION: PENALTY

~~A violation of a provision of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).~~ (Ord 668)

CHAPTER 5.36  
JUNK DEALERS

SECTIONS

- 5.36.910 License Required: Application
- ~~5.36.920 Bond Required~~
- 5.36.930 Recordkeeping
- 5.36.940 Premises
- 5.36.950 Purchases from Minors Restricted
- 5.36.960 Retention of Articles
- ~~5.36.970 Violation: Penalty~~

5.36.910 LICENSE REQUIRED: APPLICATION

- ~~1. Junk dealers, as defined in this title, doing business in the City shall have obtain a license unless otherwise exempt.~~
- ~~2. Any bona fide automobile establishment conducted solely and exclusively for the sale of used automobiles is exempt from the licensing requirements of this chapter. (Ord 668)~~

~~5.36.920 BOND REQUIRED~~

~~Every application for a license as a junk dealer shall be accompanied by a bond to the City in the penal sum of Two Thousand Dollars (\$2,000.00), With surety approved by the Administrator. The bond shall be for the term of the license and shall be conditioned upon due observance of the provisions of all City ordinances and all laws applicable to junk dealers. (Ord 668)~~

5.36.930 RECORDKEEPING

A junk dealer ~~conducting an establishment, or an itinerant junk dealer,~~ shall keep a daily ledger, written in indelible form, of all junk or articles purchased, including a description thereof, name, and address of the person from whom purchased or acquired, day and hour of purchase, and price paid. Such record shall be open for inspection by any police officer at all reasonable times. No entry in such records may be changed, erased, obliterated, or defaced. (Ord 668)

5.36.940 PREMISES

1. The premises and structures of a junk dealer shall be kept in a sanitary manner.
2. Representatives of the Police Department may go upon and inspect such premises at all reasonable times.
3. The premises upon which the business of a junk dealer is carried on shall be enclosed by a ~~proper~~ fence or other structure not less than six (6) feet high above the street level, constructed so that no dust or other material may pass through, and kept properly painted and in good repair.

4. No material or article shall be piled so as to protrude above the fence.
5. No street, sidewalk, or portion thereof may be used at any time to store, pile, or maintain any junk, except as necessary in the actual moving of such material. (Ord 668)

5.36.950 PURCHASES FROM MINORS RESTRICTED

A junk dealer shall not purchase or acquire from any person ~~underless than~~ eighteen (18) years of age any junk, ~~except old rags or paper,~~ without the written consent of the parents or the guardian of such person. (Ord 668)

5.36.960 RETENTION OF ARTICLES

1. All junk purchased or received shall be retained for five (5) days before disposal, except old rags and paper.
2. Whenever any junk dealer is notified by a police officer to retain any article purchased by such dealer so that the police can ascertain whether the article is stolen, the dealer, upon receipt of the notice, shall retain at the place of business such articles for fifteen (15) days after receipt of the notice. Any junk purchased by the dealer ~~which~~ that is determined to be stolen property may be seized by the Police Department and may be returned to the rightful owner without any recovery of purchase price to the dealer from the owner or the City. (Ord 668)

~~5.36.070~~ VIOLATION: PENALTY

~~A violation of a provision of this chapter is punishable by a fine not to exceed Five Hundred Dollars (\$500.00). (Ord 668)~~

## CHAPTER 5.40

### CARNIVALS, AMUSEMENT PARKS, OR AMUSEMENT CONCESSIONAIRES

#### SECTIONS

5.40.1010 License Required

5.36.1020 Application Requirements

5.36.1030 Exemption

#### 5.40.1010 LICENSE REQUIRED

Carnivals, Amusement Parks, or Amusement Concessionaires shall not be permitted to operate within the City without first obtaining a license, unless otherwise specifically exempted in this Chapter.

#### 5.40.1020 APPLICATION REQUIREMENTS

The Application for a license for a Carnival, Amusement Park or Amusement Concessionaire shall include:

1. A description of the types of rides, amusements, games of chance, and a map of their location within the carnival or amusement park.
2. A copy of a current license for each ride from the Building Codes Division of the Oregon Consumer and Business Services Department.
3. A plan for adequate sanitation, water supply and trash disposal.

#### 5.40.1020 EXEMPTION

A Carnival, Amusement Park or Amusement Concessionaires conducted by civic organization, as a fundraiser solely for the benefit of that civic organization and staffed primarily by volunteer labor shall be exempt from the requirement to obtain a license.

CHAPTER 5.44  
PROMOTIONAL EVENTS

SECTIONS

5.44.1110 Regulations

5.44.1110 REGULATIONS

The following specific regulations shall be adhered to at all times by the licensed promoter of any promotional event:

1. Each promotional event shall be limited to include no more than two (2) promotional activities at one time.
2. A promotional event shall not exceed five (5) consecutive days in duration.
3. A promotional event shall be conducted entirely on private property unless a permit is obtained from the Chief of Police under Chapter 10.36 of this Code or from the Public Works Director under Chapter 12.08 of this Code.
4. The licensed promoter is responsible for the removal of all amusements, features, structures, and any debris or material involved with or created by the event.