

ORDINANCE NO. 668

AN ORDINANCE AMENDING STAYTON CITY CODE SECTIONS RELATING TO BUSINESS LICENSES AND REGULATIONS, PROVIDING PENALTIES, AND REPEALING ORDINANCES.

THE CITY OF STAYTON ordains as follows:

SECTION 1: THE CITY HEREBY adopts the revisions to Stayton Municipal Code, Title 5: Business Licenses and Regulations, attached hereto as Exhibit A and by this reference made a part of this ordinance.

SECTION 2: STAYTON CITY CODE SECTIONS 5.04.010 through 5.36.010 are hereby repealed.

SECTION 3: STAYTON CITY ORDINANCES numbered 569, 585, 664 are hereby repealed.

PASSED BY THE COMMON COUNCIL this 2nd day of July, 1990.

Signed by the Mayor this 26th day of July, 1990.

Wayne L. Lierman
WAYNE L. LIERMAN, MAYOR Date

ATTEST

David W. Kinney 7-17-90
DAVID W. KINNEY, CITY ADMINISTRATOR Date

APPROVED AS TO FORM David A. Rhoten 7/20/90
DAVID A. RHOTEN, CITY ATTORNEY Date

TITLE 5

BUSINESS LICENSES, PERMITS, AND REGULATIONS

CHAPTERS

5.04	Purpose and Definitions
5.08	Business Licenses, Permits, and Regulations
5.12	Amusement Devices
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5.20	Itinerant Merchants and Solicitors
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TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

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 provide regulation of licensed businesses designated herein, recovery of expenses incurred in issuing licenses, and revenue for general municipal operations. (Ord. 668)

5.04.020 DEFINITIONS

For the purposes of 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.
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.

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6. **EMPLOYEE:** A person for hire, having no proprietary interest in the employer's enterprise/activity.
7. **EMPLOYER:** A person who employs the services of others for compensation.
8. **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.
9. **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, tail-gate, or any other sale of similar nature wherein all or part of the goods consist of used personal property; provided, however, that such activity shall be exempt from license if it is operated by, or the proceeds go to, a recognized charitable (or religious) organization or institution, or is conducted as a home occupation in compliance with Title 17.
10. **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

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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.

11. **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.
12. **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.
13. **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 if the individual who has only one employer and is employed to watch, guard, or protect only his employer's premises (property or person), or such activity engaged in by the city, county, or state police.
14. **PAWNBROKER:** Any person engaged in conducting, managing, or carrying on the business of loaning money, for himself 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.
15. **PAWNSHOP:** Any room, store, or place in which any pawnbroker business is carried on or conducted.
16. **PERSON:** Individuals, representatives, partnerships, joint ventures, corporations, or other entity or group acting in concert with each other.
17. **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 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

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State are exempt from license when the adjuster is operating in the capacity of and for adjusting of insurance for a company licensed by the State.

18. **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. (Ord 668)

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CHAPTER 5.08

BUSINESS LICENSES, PERMITS, AND REGULATIONS

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
5.08.150	License/Permit Fees: Designated
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5.08.170	Exemptions from License/Permit Requirements
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5.08.220	License/Permit Renewal: Late Penalty
5.08.230	Revocation or Suspension of License/Permit
5.08.240	Appeals
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5.08.110 LICENSE/PERMIT REQUIRED

1. No person shall engage in any 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.
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 Title 5. shall provide for 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 such other information required by Title 5. or to accomplish 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.

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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 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;
 - c. Past violations of laws or ordinances; and
 - d. Other considerations as to prior business practices, protection of the public good, and as otherwise specifically required by this 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 issue the license/permit, or reject the application, and notify the applicant accordingly. (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 5.
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 shall pay the license/permit fee required for each 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 capable of accruing free or additional plays: One Hundred Dollars (\$100.00) per year.
 - b. Amusement devices not capable of accruing free or additional plays: Fifty Dollars (\$50.00) per year.

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- c. 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: Two Hundred Fifty Dollars (\$250.00) for a period not to exceed twelve (12) months.
3. Garage Sale: Five dollars (\$5.00) per permit for a maximum seventy-two (72) consecutive hours.
4. Itinerant Merchant and Solicitor:
 - a. Employing or operated by one person: Fifteen Dollars (\$15.00) per day; Forty-five Dollars (\$45.00) per week; One Hundred and Fifty Dollars (\$150.00) per month; 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.
5. Liquor License: Twenty-Five Dollars (\$25.00) upon application.
6. Merchant Patrol, Private Security Enterprises:
 - a. Employing or operated by one person in the city: Twenty-five Dollars (\$25.00) for twelve (12) months.
 - b. Employing more than one person in the city: Five Dollars (\$5.00) for twelve (12) months for each additional representative or employee.
7. Secondhand Dealers and Pawnbrokers: Twenty-Five Dollars (\$25.00) for twelve (12) months.
8. Junk Dealer: Twenty-five dollars (\$25.00) For twelve (12) months. (Ord 668)

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. In any such suit, 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:

5.08 Business Licenses, Permits, and Regulations

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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.
3. Person(s) collecting donations of personal property or money for any religious 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, 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 when, in the administrator's judgment, it does not appear that the purposes of this 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. 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 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

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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 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 at all times by the licensee or permittee while engaged in the activity. Upon request, the licensee or permittee shall show the license or permit to any person with whom he is dealing as part of the licensee or permittee 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 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.

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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 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 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 shall be given to the applicant as provided in this Title.
5. The decision and order of the city council on such appeal shall be final. (Ord 668)

5.08.250

FEE APPEALS

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:

TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

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.
6. Should the administrator use the gross sales measure to fix a fee, the applicant may be required to submit either at the time of termination of applicant's business within the city or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any twelve (12) month period shall be required after the licensee/permittee has paid an amount equal to the prescribed annual license fee by this title. (Ord 668)

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CHAPTER 5.12

AMUSEMENT DEVICE
CARNIVAL, AMUSEMENT PARK, AMUSEMENT CONCESSIONAIRE

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)

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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)

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CHAPTER 5.16

GARAGE SALES

SECTIONS

5.16.410	Permit: Required
5.16.420	Permit: Duration
5.16.430	Conduct
5.16.440	Waiver of Requirements
5.16.650	Violation: Penalty

5.16.410 PERMITS REQUIRED

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 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)

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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)

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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 a current photograph of the applicant (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 title. (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 sponsored by and for the sole benefit of local, nonprofit youth and school organizations shall be exempt from any requirements and limitations of this title which regulate itinerant merchants and solicitors. (Ord 668)

5.20.530 LICENSE: REPRESENTATIVES OR EMPLOYEES

1. An itinerant merchant or solicitor may 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; the license shall be issued to the employer designating the names and numbers of persons as named in the application.

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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. (Ord 668)

5.20.540 USE OF STREETS

1. Itinerant merchants or solicitors shall not have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where such operations might impede or inconvenience the public.
2. The judgment of the police officer, shall be deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced. (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 loudspeaking 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. (Ord 668)

5.20.560 LICENSE: GROUNDS FOR REVOCATION

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 enterprises as itinerant merchant or solicitor;
3. Any violation of this title or any city ordinance, or local, state, or federal law;
4. Conviction of any crime or misdemeanor involving moral turpitude; and,
5. 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: PENALTY

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

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CHAPTER 5.24

LIQUOR LICENSES

SECTIONS:

5.24.610 Application Fee

5.24.610 APPLICATION FEE

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 an application fee of Twenty-Five Dollars (\$25.00) Prior to the city council's consideration of the license request. (Ord 668)

TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

CHAPTER 5.28

MERCHANT PATROLS AND PRIVATE SECURITY ENTERPRISES

SECTIONS

5.28.710	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 REQUIRED: APPLICABILITY

This chapter shall apply to merchant patrol, private security enterprises, private detectives, security systems, telephone alarms, and similar enterprises (hereinafter referred to as "Merchant Patrol/private security business). (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)

TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

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.

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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

VIOLATION: PENALTY

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

TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

CHAPTER 5.32

SECONDHAND DEALERS AND PAWN BROKERS

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 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 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 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

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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, such records or duly authenticated copies thereof shall be delivered to the police 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, 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 dollars (\$30.00).
 - 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 hundred dollars (\$200.00).
 - f. Power tools
2. The pawn ticket form shall be approved by and shall include such information as the chief of police may direct. Every person regulated by the provisions of this 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 be sold from 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

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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 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 business as a secondhand dealer or pawnbroker, and any person employed by such dealer, shall permit a representative of the police department entry to his business premises for the limited purpose of inspecting any articles received on deposit, pledged, or purchased in the business as regulated by this chapter and/or the records incident thereto, to ensure compliance with the provisions of this 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)

TITLE 5. BUSINESS LICENSES, PERMITS, AND REGULATIONS

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 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.

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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 under eighteen 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 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)

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