

CHAPTER 5.04
PURPOSE AND DEFINITIONS

SECTIONS

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5.04.010 PURPOSE

The purpose of Title 5 is to protect the general health, safety and welfare, by providing for the regulation of those businesses designated in Section 5.04.020 and for the recovery of expenses incurred in issuing licenses.

5.04.020 DEFINITIONS

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

1. **ADMINISTRATOR:** City Administrator or designate
2. [repealed] (Ord. 935, July 01, 2011)
3. **AUCTION:** A method of public sale whereby the object for sale is secured by highest bidder.
4. [repealed] (Ord. 935, July 01, 2011)
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, religious, and/or civic welfare of the local area. (Ord. 935, July 01, 2011)
7. **COLLECTIBLE:** Printed material the rarity or excellence of which makes it worth collecting. (Ord. 935, July 01, 2011)
8. **DROP BOX:** A secure container that resembles a Post Office street drop box that is used to deposit excess pharmaceuticals. The box must have the ability for the customer to deposit the pharmaceutical item into the box but may not retrieve the item back out of it.
9. **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.

10. **EMPLOYEE:** A person for hire, having no proprietary interest in the employer's enterprise/activity.
11. **EMPLOYER:** A person who employs the services of others for compensation.
12. **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. (Ord. 935, July 01, 2011)
13. **GARAGE SALE:** Any sale, displaying of goods for sale, or offer to sell, including, antique, rummage, tailgate, or any other sale of similar nature wherein 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 civic organization. (Ord. 935, July 01, 2011)
14. [repealed] (Ord. 935, July 01, 2011)
15. **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.
16. **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. (Ord. 935, July 01, 2011)
17. **LOCAL:** Of or pertaining to the areas within the urban growth boundaries of the cities of Stayton or Sublimity. (Ord. 935, July 01, 2011)
18. **MERCHANT PATROL/PRIVATE SECURITY ENTERPRISES:** Any person engaged in the business of watching, guarding, or protecting any premises, property, or persons; provided, however, that such activity shall be exempt from the requirements of this Title if the individual who has only one employer and is employed to watch, guard, or protect only the employer's premises (property or person). (Ord. 935, July 01, 2011)
19. **MOBILE FOOD UNIT:** Any motor vehicle, trailer, or wagon that is used for the purpose of preparing, processing, or converting food for immediate

consumption as a drive-in, drive-through, curb or walk-up service. A mobile food unit does not include a street vendor's cart or a motor vehicle, trailer, or wagon used exclusively for selling prepackaged food items that are not altered by the vendor (e.g. an ice cream truck) or the delivery of preordered food such as pizza or carryout. (Ord. 1018, May 21, 2018)

20. **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 civic organization, educational institution, or community.
21. **PAWNBROKER:** Any person engaged in conducting, managing, or carrying on the business of loaning money, for 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. (Ord. 935, July 01, 2011)
22. **PAWNSHOP:** Any room, store, or place in which any pawnbroker business is carried on or conducted.
23. **PERSON:** Individuals, representatives, partnerships, joint ventures, corporations, limited liability corporations, or other entity or group acting in concert with each other. (Ord. 935, July 01, 2011)
24. **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 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 this definition when the adjuster is operating in the capacity of and for adjusting of insurance for a company licensed by the State.
25. **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. (Ord. 935, July 01, 2011)

26. **RETAIL PHARMACY:** A retail pharmacy is a business licensed through the State of Oregon to sell and dispense drugs/pharmaceuticals. (Ord. 1021, May 21, 2018)
27. **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, July 02, 1990; Ord. 680, September 04, 1990)
28. **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. (Ord. 935, July 01, 2011)
29. **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 be set aside for a certain and specific activity or fund raising event. (Ord. 935, July 01, 2011; Ord. 668, July 02, 1990; Ord. 680, September 04, 1990; Ord. 693, October 07, 1991)