

ORDINANCE NO. 693

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 5., "BUSINESS LICENSES, PERMITS, AND REGULATIONS," CHAPTER 04., "PURPOSE AND DEFINITIONS," SECTION 020., "DEFINITIONS;" AMENDING CHAPTER 20., "ITINERANT MERCHANTS AND SOLICITORS," SECTION 5.20.520., "WAIVER OF AND EXEMPTION FROM REQUIREMENTS;" AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1: STAYTON MUNICIPAL CODE SECTION 5.04.020 "Definitions," is hereby amended to read:

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, foos-ball, 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.

6. **CIVIC ORGANIZATION:** A non-profit organization assembled for the purpose of advancing the economic, educational, industrial, professional, cultural, 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 rarity or excellence 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 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.
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.
- 16. **LOCAL:** Of or pertaining to 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 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.
- 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 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, 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 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 when the adjuster is operating in the capacity of and for adjusting of insurance for a company licensed by the State.
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)
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 be set aside for a certain and specific activity or fund raising event.

SECTION 2: STAYTON MUNICIPAL CODE SECTION 5.20.520, "Waiver of and Exemption From Requirements," is hereby amended to read:

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.

SECTION 3: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections relating to business license and permit

regulations is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

PASSED BY THE COMMON COUNCIL of the City of Stayton this 8th day of October 1991.

Dated: 10-9 1991

Willmer Van Vleet
WILLMER VAN VLEET, Mayor

ATTEST

Dated: Oct. 8 1991

David W. Kinney
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Dated: Sept 19 1991

David A. Rhoten
DAVID A. RHOTEN, City Attorney

:b(9-5-91)