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GENERALLY

30.001. Purpose. Protective business and vocational licenses and the regulations created by this Chapter are intended to establish a means to protect public health, safety, and welfare. (Ord No. 27-13)

30.005. Definitions. Except as the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) Annual or annually: Beginning on January 1 and ending on December 31 of any calendar year.
- (b) Automobile racetrack: Any premises operated as a business where there are regularly or seasonally conducted contests among motor vehicles involving vehicle locomotion and the vehicles or their drivers are rated in relation to each other or to some standard. As used in this definition, "motor vehicle" includes, but is not limited to, cars, trucks, motorcycles, and go-carts.
- (c) Camp site: Any tourist unit where persons may camp or occupy any dwelling place other than a permanent building constructed entirely of wood or more lasting materials.
- (d) Camp structure: Any temporary structure designed to be used as shelter for human habitation.
- (e) Chief: The Chief of the Salem Police Department or the Chief's designee.
- (f) Consideration: As the context requires:
 - (1) An admission fee, cover charge, coupon, or similar token;
 - (2) The purchase of a prescribed minimum quantity of goods, consumables, or services; or
 - (3) Any form of user charge or token for the privilege of dancing, including the deposit by any patron of a coin or token in a "juke box" or other device in order to obtain music for dancing.
- (g) Dealer in used merchandise means a junk dealer, pawn broker, or second hand dealer.
- (h) Digital dispatch system: An internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services. Director means the City Manager, or the department head charged by the City Manager with enforcement of this Chapter, or that department head's designee.
- (i) Director: The City Manager or the department head charged by the City Manager with the enforcement of this Chapter, or that department head's designee.
- (j) Fire Code Official: The Fire Chief of the Salem Fire Department or the Fire Chief's designee.
- (k) Junk: Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer

used for their manufactured purpose, regardless of value. As used in this Chapter the term “junk” includes, but is not limited to:

- (1) Any derelict motor vehicle, i.e., any used motor vehicle without a vehicle license or with an expired license;
 - (2) Any neglected motor vehicle, i.e., a motor vehicle that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or
 - (3) Any wrecked motor vehicle, or part thereof, i.e., a motor vehicle that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire;
 - (4) Machinery or parts thereof that are inoperative, worn out, or in a state of disrepair;
 - (5) Any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair;
 - (6) Any worn out or dilapidated indoor fixtures or furnishings, or parts thereof;
 - (7) Any bulk solid waste; and
 - (8) Solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.
- (l) Junk dealer: Any person who as an owner engages in the business of buying and selling of any junk.
- (m) License: The written form of permission required in order to operate a business or pursue a vocation as required by this Chapter.
- (n) Limousine: A luxury motor vehicle whose chassis and wheelbase have been lengthened beyond the original manufacturer’s specifications, whether at the time of manufacture or after, and which is used to provide prearranged transportation services under a contract or agreement for such services.
- (o) Mobile food unit: Any motor vehicle, trailer, or wagon which 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 (i.e. an ice cream truck).
- (p) Night club: Any premises where:
- (1) The general public is permitted to attend and dance upon the payment of an admission fee or some other form of consideration; and
 - (2) There is a dance floor or other space where dancing to live or recorded music is regularly permitted; and
 - (3) The premises or other space where dancing is regularly permitted is not the subject of a license issued by the Oregon Liquor Control Commission to sell or dispense alcoholic beverages.
 - (4) As used in this Chapter, "night club" does not include any dance that occurs as part of a special event that has been licensed pursuant to this Chapter or that occurs a part of a community event that has a permit issued pursuant to SRC Chapter 104, or any dance conducted by a non-profit organization that is an incidental function of its organization and whose building has been constructed to meet structural and fire life safety requirements for dances.
- (q) Operator: A person engaged in the business of furnishing or operating a business defined by this Chapter, whether upon contract or by offering such service to the public generally.
- (r) Pawnbroker: Any person engaged in the business of loaning money to another

person where personal security, pawns, or pledges are the condition of the loan; or the business of purchasing articles of personal property with the agreement to resell the articles to the vendors thereof, at prices agreed upon at or before the time of such purchase.

(s) Person: Any natural person, partnership, corporation, limited liability company, government entity, association or other entity in law or fact.

(t) Recreational vehicle: Any camper, motor home, or travel trailer. As used in this definition, "camper," "motor home," and "travel trailer" shall have the meanings set forth in ORS Chapter 801.

(u) Regularly permitted dancing:

(1) Dancing that is advertised or acknowledged by the operator as being available to patrons at least three days in any month; or

(2) Patrons are allowed to dance on the premises on at least three days in any month with the knowledge of and without effective prohibition by the operator.

(v) Secondhand dealer: Any person engaged in the business of buying, selling, or otherwise dealing in secondhand goods either as a separate business or as a substantial part of another business.

(w) Secondhand goods: Any article of personal property which enters the stream of commerce after it has been purchased by a private party from a vendor; provided, however, secondhand goods shall not include any article of person property conveyed to a secondhand dealer solely by donation. As used in this Chapter, the term secondhand goods includes, but is not limited to:

(1) Precious metals and precious and semiprecious gems and gemstones, including but not limited to, gold, silver, platinum, copper, diamonds, rubies, emeralds, sapphires, and turquoise.

(2) Jewelry containing any precious metals, precious gems, or semi-precious gems.

(3) Collectibles, including but not limited to, trading cards, stamps, coins, decorative arts, ceramics, flatware, paintings, sculptures, and other fine and decorative arts.

(4) Antique and used furniture.

(5) Computers, computer components, computer peripherals, and computer games.

(x) Severe mobility limitation: A physical impairment that precludes a person's ability to walk without the physical assistance of another person and/or the assistance of a wheelchair, stretcher, or similar device. Persons who can walk with a walker or cane but do not need the assistance of another person shall not be considered as having a severe mobility limitation.

(y) Special event: Any dance, movie, play, concert, circus, carnival, exhibition, sports event, haunted house, or other similar live, filmed, or televised performance, activity, or program held or presented at any privately-owned premises, where an admission fee or other form of consideration is charged or required, but not including any such event occurring at a premises operated as a business for such activities where the activity is occurring in the course of its regular schedule of events or where the occupancy or use of the premises for such events has been previously approved by the City of Salem.

(z) Street vendor: Any person who travels from street to street upon public sidewalks in a commercial zone carrying, conveying, or transporting goods and offering and exposing the same for sale from a mobile type device such as a pushcart or similar conveyance.

(aa) Taxicab: A vehicle for hire, other than an ambulance, wheelchair coach, limousine, or transportation network vehicle.

(bb) Tourist park: Any lot, tract, or parcel of land operated by a business for the

purposes of furnishing tourist units for a fee or in connection with securing the trade or patronage of the users thereof. Such definition does not include any park which is owned and operated by any state, county, or city government or any agency thereof.

(cc) Tourist unit: Any place in a tourist park which is designed to be used for temporary habitation by a single family in a camp site or recreational vehicle.

(dd) Transportation network: One or more vehicle for hire drivers working as independent contractors, utilizing a digital dispatch system, and using personal motor vehicles in the provision of transportation services.

(ee) Transportation network company: A person that operates or facilitates a transportation network.

(ff) Transportation network vehicle: A personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.

(gg) Transportation services: Providing motor vehicle transportation of persons or goods for compensation of any kind. However, it does not include transportation provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government, or transportation of goods provided by a person that engages solely in the transportation of goods.

(hh) Tree trimmer: A person engaged in the business of trimming, pruning, altering, removing, or providing tree surgery for trees growing, standing, or located upon any public street, sidewalk, park, or other public right-of-way, except a person owning a plant nursery and treating, trimming, pruning, altering, or removing shade trees in stock at such nursery or at the time of planting the same after sale.

(ii) Vehicle for hire: A motor vehicle used to provide transportation services for compensation where such services are not operated exclusively over a fixed or defined route, including taxicabs, wheelchair coaches, and transportation network vehicles

(jj) Vehicle for hire agency: A person engaged in the business of furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.

(kk) Vehicle for hire driver: A person who carries on the vocation of driving a vehicle for hire.

(ll) Wheelchair coach: A privately owned motor vehicle for hire, other than an ambulance, that is constructed or equipped and regularly provided or offered to be provided, primarily for the nonemergency transportation of persons with severe mobility limitations. (Ord No. 27-13; Ord No. 11-14; Ord No 16-15)

30.010. License Required. A license issued pursuant to this Chapter shall be required for any person engaging in the operation of any of the following businesses or engaging in any of the following vocations:

- (a)** Automobile racetrack;
- (b)** Dealer in used merchandise;
- (c)** Mobile food unit;
- (d)** Night club;
- (e)** Special events
- (f)** Street vendor;
- (g)** Tree trimmer;
- (h)** Tourist Park;
- (i)** Vehicle for hire agency; or
- (j)** Vehicle for hire driver. (Ord No. 27-13; Ord No. 16-15)

30.015. Administration; Rulemaking.

- (a) The Director shall administer and enforce the provisions of this Chapter, and shall have the authority to render written and oral interpretations, and to adopt administrative rules and procedures necessary for its proper administration and enforcement.
- (b) The Director may investigate any applicant for a license to ensure compliance with the requirements of this Chapter. The Director may require, as part of any application for a license, that any premises, vehicle and/or device sought to be licensed be inspected to ensure compliance with the requirements of this Chapter. The Director may require the fingerprinting of any natural person whose name is required to be furnished in connection with any application, may require the submission of a criminal history including, but not limited to, an FBI Identification Record, and may require an applicant to provide such additional information that the Director determines is necessary to evaluate the application.
- (c) The Director may investigate licensed persons and may inspect licensed premises, vehicles, and devices. The licensee shall make licensed premises, vehicles, and devices available for inspection by the Director at reasonable times and places. In the event that a licensee refuses to allow any such inspection, the Director may obtain an administrative search warrant as provided by SRC Chapter 4 to enter upon the premises to make the inspection. (Ord No. 27-13)

30.020. General Rule. Any person desiring to engage in a business or vocation for which a license is required by this Chapter shall obtain the license before engaging in that business or vocation. (Ord No. 27-13)

30.025. License Fees; Proration.

- (a) Fees for licenses required by this Chapter shall be set by resolution of the City Council.
- (b) In the case of licenses issued annually, three-fourths of the fee shall be required if the application for the license is filed on or after July 1 and on or before September 30 of any calendar year; one-half of the license fee shall be required if the application for the license is filed on or after October 1 of any calendar year. (Ord No. 27-13)

30.030. License Term and Renewal.

- (a) A license shall be valid from the date of issuance for the term specified on the license.
- (b) A license may be renewed for additional terms as provided by this Chapter. (Ord No. 27-13)

30.035. Transferability. Licenses issued under this Chapter shall not be transferred to any other person. (Ord No. 27-13)

30.040. Display of License.

- (a) A license issued for a fixed place of business shall be displayed at all times on the premises in a prominent location where it can be easily read by members of the public.
- (b) A license issued for a business or a vocation which is not at a fixed place of business shall be carried by the licensee at all times while the licensee is engaged in the business or vocation. Upon request, the licensee shall show the license to any person with whom the licensee is dealing as part of the licensed activity or to any police officer or code compliance officer employed by the City.
- (c) A license for a vehicle for hire driver shall be displayed in the vehicle for hire in a prominent place, readily visible to passengers in the vehicle. (Ord No. 27-13; Ord No. 16-15)

30.045. License Requirements. In addition to any other requirement set forth in this Chapter, each licensee shall:

- (a) Conform to all federal, state, and local laws and regulations, the provisions of this Chapter, and any administrative rules adopted pursuant to this Chapter.
- (b) Notify the Director in writing within ten business days of any change in the material information related to the license including, but not limited to, change of name, address, telephone number, employer, criminal history, location of business office, registered agent, or addition of vehicles. No new principal may become involved in a licensed business until an application is submitted to and approved by the Director for that new principal. If a new principal does become involved in a licensed business prior to approval, the Director may revoke the license pursuant to the procedures set forth in section 30.060.
- (c) Advertise for business only in the name in which a license is issued. (Ord No. 27-13)

30.050. New Licenses.

(a) Application.

(1) An application for a new license shall include the following information, in addition to any other information specifically required elsewhere in this Chapter:

- (A) The applicant's name;
- (B) The names and addresses of all persons who are principals, partners, or corporate officers, and all stockholders holding more than ten percent of the voting stock for any applicant who is not a natural person;
- (C) The address to which mail concerning the license may be sent;
- (D) All business addresses maintained or to be maintained by the applicant in the state of Oregon;
- (E) The residence address of the person signing the application;
- (F) A brief description of the business or vocation for which the license is being sought;
- (G) A list of all felonies and misdemeanors of which the applicant has ever been convicted, together with the dates and places of such convictions, if the applicant is a natural person;
- (H) A list of any probation violations committed by the applicant within the preceding ten years; if the applicant is a natural person;
- (I) If the applicant will be an employee when licensed, the name and address of the applicant's employer;
- (J) The signature of the applicant, if a natural person, or otherwise the signature of an authorized agent of the applicant, if the applicant is other than a natural person;
- (K) Proof that the applicant has, or will be able to obtain, any insurance or bond required by this Chapter.

(2) **Automobile Race Tracks.** In addition to the information required by paragraph (1) of this subsection, an application for an automobile race track license shall include the following:

- (A) The names and residences addresses of all persons who will act as track officials including, but not limited to, starters, timers, and judges.
- (B) A schedule of the days and hours during which contests will be conducted, including those days and hours when unmuffled gasoline engines will be used.
- (C) A schedule of the days and hours during which practice will be allowed, including those days and hours when unmuffled gasoline engines will be used.
- (D) A description of how the applicant will comply with SRC 30.100.

(3) **Dealers in Used Merchandise.** In addition to the information required by paragraph

(1) of this subsection, an application for a dealer in used merchandise license shall include the following:

- (A) The applicant's date and place of birth;
- (B) The applicant's physical description, including height, weight, color of hair and eyes, and identifying scars and marks;
- (C) Every alias, assumed name, and any previous legal name ever used by the applicant or by which the applicant has been known.

(4) Mobile Food Units. In addition to the information required by paragraph (1) of this subsection, an application for a mobile food unit license shall contain documentation that the applicant has obtained all required health and sanitary licenses from the State of Oregon and the applicable county.

(5) Night Clubs. In addition to the information required by paragraph (1) of this subsection, an application for a night club license shall contain:

- (A) The applicant's date and place of birth;
- (B) The applicant's physical description, including height, weight, color of hair and eyes, and identifying scars and marks;
- (C) Every alias, assumed name, and any previous legal name ever used by the applicant or by which the applicant has been known;
- (D) The location of the proposed night club and the days and hours of its operation;
- (E) A description of all plans for insuring the safety of patrons in the event of fire, explosion, or other emergency, including compliance with all applicable fire prevention provisions contained in state law and City ordinance;
- (F) A description of all plans for controlling traffic and parking on and adjacent to the night club premises so as to insure the safe, speedy, and orderly movement of traffic on the public streets in the vicinity.

(6) Special Events. In addition to the information required by paragraph (1) of this subsection, an application for a special event license shall contain:

- (A) The location of the special event and the hours of operation thereof;
- (B) The names of all persons, other than officers of the Salem Police Department whose services are obtained through such department, who will act as chaperones, "bouncers," security officers, or supervisors of the special event;
- (C) The maximum number of persons who will be permitted to attend the special event at any one time;
- (D) A description of all plans for insuring the safety of patrons in the event of fire, explosion, or other emergency, including compliance with all applicable fire prevention provisions contained in state law and City ordinances;
- (E) A description of all plans for controlling traffic and parking at the site of the special event so as to insure the safe, speedy, and orderly movement of traffic on public streets in the vicinity.

(7) Street Vendors. In addition to the information required by paragraph (1) of this subsection, an application for a street vendor license shall contain documentation that the applicant has obtained all required health and sanitary licenses from the State of Oregon and the applicable county.

(8) Tree Trimmers. In addition to the information required by paragraph (1) of this subsection, an application for a tree trimmer license shall contain documentation that the applicant has successfully passed a written and practical examination formulated by the Director.

(9) Vehicle for Hire Agency. In addition to that information required by paragraph (1) of this subsection, an application for a vehicle for hire agency license shall include:

- (A) The applicant's date and place of birth, if the applicant is a natural person;
- (B) The Oregon motor vehicle registration number (vehicle license plate number) and manufacturer's serial number, or other vehicle identification number, of each vehicle for hire to be used by the applicant in connection with the applicant's business.
- (C) A description, including dates and locations, of the applicant's previous experience as a vehicle for hire agency.
- (D) For those applicants other than transportation network companies, a safety inspection report completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE) for all vehicles for hire to be used by the applicant in the course of the applicant's business indicating that each vehicle for hire is safe for use on public streets.

(10) Vehicle for Hire Driver. In addition to the information required by paragraph (1) of this subsection, an application for a vehicle for hire driver license shall contain:

- (A) The applicant's date and place of birth;
- (B) The applicant's physical description, including height, weight, color of hair and eyes, and identifying scars and marks;
- (C) Every alias, assumed name, and any previous legal name ever used by the applicant or by which the applicant has been known;
- (D) A copy of the applicant's current driver's license;
- (E) Two identical passport-sized photographs of the applicant taken not more than sixty days prior to the date the application is filed;
- (F) Every place of residence of the applicant for the ten years immediately preceding the date the application is filed;
- (G) Every state or jurisdiction that has ever issued a motor vehicle operator's or chauffeur's license to the applicant; and
- (H) A statement as to whether any such operator's or chauffeur's license has ever been revoked or suspended for any reason; and
- (I) For those applicants who will be a vehicle for hire driver within a transportation network:
 - (i) The Oregon motor vehicle registration number (license plate number) and manufacturer's serial number or other vehicle identification number of the vehicle for hire to be used by the applicant; and
 - (ii) A safety inspection report completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE) for the vehicle for hire to be used by the applicant indicating the vehicle is safe for use on public streets.

(b) Review of Application.

- (1) No application shall be deemed complete until all of the information required by subsection (a) of this section has been provided and the applicant has paid all fees associated with the license, including a non-refundable application fee.
- (2) Upon receipt of a complete application, the Director shall conduct such investigation as the Director deems necessary to determine whether the applicant meets the qualifications for the license and whether statements made in the application are true. The Director shall conduct a criminal background check on all applicants for licenses for the following businesses or vocations:
 - (A) Dealer in used merchandise;
 - (B) Night club;
 - (C) Special event;
 - (D) Vehicle for hire agency; and

(E) Vehicle for hire driver.

(c) **Issuance of New License.** A new license shall be granted to the applicant unless:

(1) The applicant made an untrue or incomplete statement on, or in connection with, the application for the license; provided, that if such untrue or incomplete statement was the result of excusable neglect, the applicant may resubmit an application in which such defect is corrected.

(2) The applicant fails to meet all requirements of federal, state and local laws and regulations, including, but not limited to, other permitting or licensing requirements and land use regulations.

(3) The applicant has been convicted of any crime, and the nature of the crime presents a reasonable possibility that the applicant may endanger property or the public health, safety, or welfare. Such Crimes include, but are not limited to , a felony or a misdemeanor involving violence, fraud, dishonesty, coercion, sexual conduct, or the unlawful manufacture or delivery of a controlled substance.

(4) The applicant has, within the ten years immediately preceding the date of the application, violated his or her probation for any crime and such probation violation presents a reasonable possibility that the applicant may endanger property or the public health, safety, or welfare.

(5) The applicant has a history of conduct in connection with any business or vocation engaged in by the applicant that, if continued by the applicant in connection with the business or vocation for which the license is sought, would constitute grounds for suspension or revocation of the license.

(6) The applicant lacks any special knowledge or skill required to perform the licensed activity.

(7) The applicant has an outstanding warrant for his or her arrest.

(8) The applicant has not provided adequate proof of any insurance required by this Chapter.

(9) Any plans required by this Chapter for the protection of patrons from fire, explosion, or other emergency do not comply with all applicable federal, state, and local laws and regulations.

(d) **Notification to Applicant.**

(1) If an application for a new license is approved, the Director shall notify the applicant in writing that the application has been approved. The notice shall contain any conditions placed on the approval and any further requirements the applicant must meet before a license will be issued.

(2) If an application for a new license is denied, the Director shall notify the applicant in writing that the application has been denied. The notice shall contain a short and plain statement of the reason for the denial and a statement that the applicant may appeal the denial as set forth in SRC Chapter 20J.

(e) **Issuance; Effective Date.**

(1) After notice to the applicant, and upon payment of all fees associated with the license and the filing of any proof of required insurance by the applicant, the Director shall issue the license.

(2) A license is effective as of the date of issuance. (Ord No. 27-13; Ord No 16-15)

30.055. Renewal of License.

(a) **Renewals Permitted.** A license may be renewed. An application to renew an existing license shall be submitted not less than thirty days prior to the expiration date of the existing license and shall be accompanied by any non-refundable renewal fees. If an application to

renew an existing license is not submitted within such thirty day period, a new license is required.

(b) Application. An application to renew an existing license shall include the following information, in addition to any other information specifically required elsewhere in this Chapter:

- (1) The applicant's name;
 - (2) A copy of the license for which renewal is sought;
 - (3) A list of any and all crimes for which the applicant has been convicted within the twelve months preceding the date of the renewal application, together with the dates and places of such convictions;
 - (4) Proof that the applicant has any insurance or bond required by this Chapter;
 - (5) The signature of the applicant, if a natural person, or otherwise the signature of an authorized agent of the applicant, if the applicant is other than a natural person.
- (6) In addition to the information listed above, an application for renewal of a vehicle for hire driver license for those drivers operating within a transportation network, or an application for a vehicle for hire agency license, shall include a current safety inspection report completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE) for the vehicle(s) for hire to be used by the applicant indicating the vehicle is safe for use on public streets.

(c) Review of Application.

- (1) No application to renew an existing license shall be deemed complete until all of the information required by subsection (b) of this section has been provided, and the applicant has paid all fees associated with the application.
- (2) Upon receipt of an application to renew an existing license, the Director may make such investigation as the Director deems necessary to determine whether the applicant has conducted the licensed business or vocation in compliance with all federal, state, and local laws and regulations.

(d) Criteria for Renewal of License. An application to renew an existing license shall be granted unless:

- (1) The applicant made an untrue or incomplete statement on, or in connection with, the application to renew; provided, that if such untrue or incomplete statement is the result of excusable neglect, the applicant may resubmit an application to renew an existing license within the times provided in this section.
- (2) The applicant no longer meets all requirements of federal, state, and local laws and regulations, including, but not limited to, other professional licensing regulations and land use regulations.
- (3) The applicant has been convicted of any crime and the nature of the crime presents a reasonable possibility that the applicant may endanger property or the public health, safety, or welfare.
- (4) The applicant has an outstanding warrant for his or her arrest.
- (5) The applicant no longer has the insurance required by this Chapter.
- (6) The applicant has knowingly maintained or conducted the licensed business or vocation in a manner contrary to the terms of the existing license or contrary to any provision of this Chapter.
- (7) Any other license or permit required to engage in the business or vocation has been denied, suspended, revoked, or canceled.
- (8) The applicant has engaged in any behavior or activity that would endanger public health, safety and welfare.

(e) Notification to Applicant.

(1) If an application to renew an existing license is approved, the Director shall notify the applicant in writing that the renewal has been approved. The written notice shall contain any conditions placed on the renewal and any further requirements the applicant must meet as a condition of renewal.

(2) If an application to renew an existing license is denied, the Director shall notify the applicant in writing that the renewal has been denied. The written notice shall contain a statement of the reasons for the denial and statement that the applicant may appeal the denial as set forth in SRC Chapter 20J.

(f) Issuance; Effective Date.

(1) After notice to the applicant, and upon payment of all renewal fees and upon filing proof of any required insurance and/or bond by the applicant, the Director shall issue the renewal license.

(2) A renewed license is effective as of the expiration date of the prior license. (Ord No. 27-13; Ord No. 16-15)

30.060. License Revocation.

(a) A license issued pursuant to this Chapter may be revoked by the Director if:

(1) The licensee fails to comply with any of the requirements of this Chapter.

(2) The licensee is doing business in violation of any applicable federal, state, or local law or regulation.

(3) The licensee provides or has provided false or misleading material information or has failed to disclose a material fact on the application for the license or in connection with the licensed activity.

(4) The licensee is convicted of any crime, if such conviction has a bearing on the licensee's fitness to engage in the licensed activity.

(5) The licensed activity is being conducted in a manner that endangers property or public health, safety, or welfare.

(6) The licensee has been assessed a civil penalty in connection with the licensed activity and fails to pay the penalty within the time required.

(b) The Director shall provide written notice of revocation to the licensee. The written notice shall state the basis for revocation of the license and shall inform the licensee of the right to appeal the revocation as set forth in SRC Chapter 20J.

(c) The notice shall be given at least fifteen business days before the revocation becomes effective. If the licensee corrects the basis for the revocation within the fifteen business day period, the Director may discontinue the revocation proceedings.

(d) A licensee who has had his or her license revoked may, after ninety calendar days from the date of revocation, apply for a new license in the manner provided by this Chapter. A licensee who has had his or her license revoked two times within any consecutive twelve-month period shall be ineligible to apply for a license for two years from the date of the last revocation. (Ord No. 27-13)

30.065. License Suspension.

(a) A license issued pursuant to this Chapter may be suspended by the Director if:

(1) The licensed activity is being conducted in a manner that presents an immediate danger to property or public health, safety or welfare.

(2) The licensee is doing business in violation of any applicable federal, state, or local law or regulation.

(3) The licensee is convicted of any crime, if the conviction has a bearing on the applicant's fitness to engage in the licensed activity.

- (4) In addition to the grounds set forth in paragraphs (1)-(3) of this subsection, a license for a night club or a special event may be suspended where:
- (A) The patrons have become so disorderly or riotous that the public peace or the safety of any persons or property is threatened.
 - (B) The operator refuses to remove or cause to be removed any person violating SRC 95.120 after the operator has been requested to do so by a public safety officer.
 - (C) Suspension under this paragraph (4) is summary, and:
 - (i) May be made by a public safety officer or the Fire Code Official;
 - (ii) Shall be for a period not to exceed four hours; and
 - (iii) May be made orally, provided, however that a written post-suspension notice that complies with subsection (b) of this section be provided to the licensee within twenty-four hours of the summary suspension.
- (b) The Director shall provide written notice of suspension to the licensee. The written notice shall state the basis for the suspension and shall inform the licensee of the right to appeal the suspension as set forth in SRC Chapter 20J.
- (c) Suspension of a license shall take effect immediately upon written notice of the suspension being personally delivered to the licensee, or upon being delivered to the licensee's business address as stated on the licensee's application for the license, and shall remain in effect until the reason for the suspension has been cured, the license has been revoked, or the license is re-stated after a hearing as provided in SRC Chapter 20J.
- (d) **Suspension of Vehicle for Hire Driver License.** The license for a vehicle for hire driver shall be automatically suspended during any time that the licensee's Oregon motor vehicle driver's license has been suspended or revoked by the Oregon Driver and Motor Vehicles Division. Suspension pursuant to this subsection shall be without notice and without the rights to appeal as otherwise provided by this section.
- (e) **Suspension due to Cancellation or Termination of Insurance or Bond.** Maintenance of any insurance or bond required by this Chapter shall be a condition of the license. If such insurance or bond terminates, is cancelled, or is found to be inadequate, for any reason, the license shall be automatically suspended. Suspension pursuant to this subsection shall be without notice and without the rights to appeal as otherwise provided by this section. (Ord No. 27-13)

30.070. Civil Enforcement.

- (a) **Civil Penalty.** Any person who fails to comply with the requirements of this Chapter or the terms of a license issued hereunder, who undertakes an activity regulated by this Chapter without first obtaining a license, or who fails to comply with a cease and desist order issued pursuant to this Chapter shall be subject to a civil penalty as provided in SRC Chapter 20J, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.
- (b) **Civil Penalties Against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.
- (c) **Abatement.** Any building or structure established, operated, or maintained contrary to this Chapter is a public nuisance and may be abated as provided in SRC Chapter 50.
- (d) **Appeals.** Any person aggrieved by any enforcement action made by the Director pursuant to this section, may appeal the decision to the Hearings Officer by following the process set forth in SRC Chapter 20J. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.
- (e) **Proceedings by City Attorney.** The City Attorney, upon request of the Director, may institute any legal proceedings in circuit court necessary to enforce the provisions of this Chapter.

Proceedings may include, but are not limited to, injunctions to prohibit the continuance of the licensed activity, and any use or occupation of any building or structure used in violation of this Chapter.

(f) Remedies not Exclusive. The remedies provided in this Chapter are cumulative and not mutually exclusive and are in addition to any other rights, remedies, and penalties available under any other provision of law. (Ord No. 27-13)

30.075. Unlawful Failure to Obtain License.

(a) It shall be unlawful for a person to engage in any business or vocation for which a license is required by this Chapter without first obtaining a license therefor.

(b) A violation of this section is an infraction. (Ord No. 27-13)

30.080. Unlawful Activity by Licensee.

(a) It shall be unlawful for a licensee to engage in a licensed activity, or to allow or permit the licensee's employees or agents to engage in the licensed activity, in violation of any applicable standard in the Chapter, or of any license issued pursuant to this Chapter.

(b) A violation of this section is an infraction. (Ord No. 27-13)

30.085. Unlawful Engaging in Licensed Activity While License is Suspended or Revoked.

(a) It shall be unlawful for a licensee to knowingly engage in a licensed activity, or to allow the licensee's employees or agents to engage in a licensed activity, when the license has been suspended or revoked pursuant to this Chapter.

(b) A violation of this section is a misdemeanor. (Ord No. 27-13)

AUTOMOBILE RACETRACKS

30.100. Safety Plan. Every automobile racetrack shall have a safety plan that makes adequate provision for:

(a) The safe and expeditious movement of traffic going to and from the racetrack, including provision for parking, traffic control officers, lighting, and signs to eliminate unreasonable confusion, congestion, and hazards to traffic on public streets;

(b) The orderly movement and accommodation of spectators, control of disorderly persons or groups, and restriction of the competition area to officials, participants, and their crews; and

(c) The protection of spectators and other persons and property in the vicinity of the racetrack from unnecessary risk of injury or damage from fire, collision or other hazards inherent in motor vehicle racing, including, but not limited to designing and equipping the premises with adequate fences, walls, screens, shields, abutments and other facilities. (Ord No. 27-13)

30.105. Times of Operation. Contests and practice sessions shall be permitted at an automobile racetrack at the following times:

(a) Contests may be conducted on Fridays and Saturdays between the hours of 5:00 p.m. and 10:00 p.m.; on Sundays between the hours of 11:00 a.m. and 6:00 p.m.; on the eve of any national or state holiday between the hours of 5:00 p.m. and 10:00 p.m.; and on a national or state holiday between the hours of 11:00 a.m. and 6:00 p.m. unless such holiday falls on a Friday, or unless the day following such holiday is also a national or state holiday, in which cases contests may be conducted between the hours of 11:00 a.m. and 10:00 p.m. As used in this subsection, national or state holiday means any holiday designated by statute or executive action, and on which federal or state offices are not open for business.

(b) Practice sessions may be conducted on Saturdays between the hours of 11:00 a.m. and 10:00 p.m., and on Sundays between the hours of 11:00 a.m. and 6:00 p.m.

(c) An operator of an automobile racetrack shall not permit the operation of any motor vehicle in a competition, practice, pit, shop, or garage area between the hours of 10:00 p.m. of any day and 9:00 a.m. of the following day. (Ord No. 27-13; Ord No. 1-14)

30.110. Standards of Operation. Every automobile racetrack shall:

(a) Be operated in compliance with all federal, state and local laws and regulations, including, but not limited to, laws and regulations relating to air and noise pollution.

(b) Conduct of the business, contests, promotion, advertising, and all matters related thereto in such a manner not to unreasonably tend to deceive or mislead the public or participants in contests, or in a manner which is contrary, inimical, or detrimental to the public health, safety, or welfare.

(c) Maintain facilities adequate for the regulation and control of traffic coming to or going from the racetrack to eliminate unreasonable confusion and congestion, and to assure the safe and expeditious movement of traffic on the streets. As used in this subsection, facilities include but are not limited to, parking areas, driveways, lighting, signs, and traffic control devices.

(d) Maintain facilities adequate for the protection and safety of persons and property in and about the vicinity of the racetrack to afford reasonable protection from fire, flying glass, metal, and debris, motor vehicles leaving the competition area, and from other hazards inherent in motor vehicle racing. As used in this subsection, facilities include, but are not limited to, fences, walls, abutments, and screens. (Ord No. 27-13)

30.115. License of Automobile Racetracks in Residential Districts Prohibited. No license shall be issued to operate an automobile racetrack in any residential zone. (Ord No. 27-13)

30.120. Automobile Racetracks in Residential Districts Prohibited.

(a) It shall be unlawful for any person to knowingly operate or permit to be operated an automobile racetrack in any residential zone in the City.

(b) A violation of this section is a misdemeanor. (Ord No. 27-13)

DEALERS IN USED MERCHANDISE

30.200. Records and Reports.

(a) Except as provided in subsection (b) of this section, every dealer in used merchandise shall make and keep a full, true, and complete record of all articles received, pledged, or purchased. Such record shall contain the following information:

- (1) The date when the article was received, pledged, or purchased;
- (2) The number of the pawn ticket, if any;
- (3) The amount of the purchase or pledge;
- (4) A description of each article or group of articles received, pledged, or purchased;-
- (5) If any article received, pledged, or purchased has marked thereon any numbers, words, or initials, or contains any settings of any kind, such number, word, or initial, and the kind of settings and the number thereof, except that the receipt, pledge or purchase of more than twenty articles from a single seller in a single transaction may be described by a general description sufficient to enable the Chief to compare the record to reports of lost or stolen property;
- (6) The name, address, and description of the borrower or seller, together with the type and number of any proof of identification presented by the borrower or seller;
- (7) A declaration of ownership for each transaction where the article is purchased.
- (8) If the dealer in used merchandise engages in fifty or more transactions in any calendar

- year, the right thumb print from the pledgor or seller shall be made using a finger print scanning device acceptable to the Chief of Police. If the dealer in used merchandise engages in less than fifty transactions in a calendar year, the right thumb print from the pledgor or seller may be submitted in ink;
- (9) A copy of photographic identification provided by the pledgor or seller at the time of the transaction;
- (10) The signature of the borrower or seller.
- (b) Every dealer in used merchandise shall photograph, maintain, and provide to the Chief of Police upon request:
- (1) All jewelry, scrap precious metals (platinum, gold and silver);
- (2) Any item that is difficult to describe in writing.
- (c) No dealer in used merchandise shall be required to record any of the following:
- (1) Any purchase of property from manufacturers or wholesale dealers having an established place of business.
- (2) Any purchase in the open market from any person doing business and having an established place of business in the City, but such goods must be accompanied by a bill of sale or other evidence of purchase.
- (3) The receipt, pledge, or purchase of books.
- (4) The purchase of video tapes, audio tapes, compact discs, record albums, digital video discs, or any combination thereof from a single seller in a single transaction valued at less than seventy-five dollars.
- (5) Articles received solely in trade.
- (6) The renewal of any loan that was previously reported.
- (d) If the dealer in used merchandise engages in fifty or more transactions in a calendar year, the records required by this section shall be maintained in electronic form. If the dealer in used merchandise engages in less than fifty transactions in a calendar year, the records required by this section may be maintained in written or electronic form.
- (1) The Chief shall select a computer media system suitable to report transactions electronically to the City. The computer media system shall ensure uniformity in reporting among all dealers in used merchandise.
- (2) By the end of business each day, every dealer in used merchandise engaging in fifty or more transactions a year shall submit a record of daily transactions required to be reported electronically into the computer media system selected by the Chief.
- (3) If the dealer in used merchandise has less than fifty transactions per year, the dealer in used merchandise shall submit the record of daily transactions to the Chief within three days of the date of the transaction. If the records are sent by mail, the records shall be mailed within two days of the date of the transaction.
- (e) Records kept pursuant to this section may be examined by the Chief during the regular business hours of the dealer in used merchandise.
- (f) The City Council, upon recommendation of the Chief may, in its discretion, exempt by written order certain categories of dealers in used merchandise from the record keeping requirements hereunder when the category of dealers in used merchandise so exempted is such that law enforcement efforts would not be significantly aided by continued maintenance of such records.
- (g) The information required to be furnished pursuant to this section is to assist in the investigation of criminal activity. The information is of a confidential nature, may be related to the personal privacy of persons doing business with a dealer in used merchandise, and trade secrets and practices of dealers in used merchandise. The Chief shall treat the information as confidential and exempt from disclosure under public records laws to the extent possible under

any applicable laws. (Ord No. 27-13)

30.205. Condition of Property Not to Be Changed.

- (a) Except as provided in subsection (d), all property purchased or received by any dealer in used merchandise incident to such business shall be held without alteration, change or subsequent sale for a period of fourteen days after the receipt of the property is reported to the Chief.
- (b) During the fourteen day holding period required by this section, the dealer in used merchandise shall not commingle the property in a manner that precludes identification.
- (c) During the fourteen day holding period required by this section, the dealer in used merchandise shall produce any article required to be reported under SRC 30.200 for inspection by any peace officer of this state.
- (d) Subsections (a) and (b) of this section shall not apply to any of the following:
 - (1) Transactions described in SRC 30.200(c).
 - (2) The redemption of pledged or pawned personal property by the original pledgor or borrower. (Ord No. 27-13)

30.210. Goods Not to Be Sold or Redeemed in Violation of Order of the Chief of Police.

- (a) If, in the course of a specific criminal investigation, the Chief has probable cause to believe that property received by a dealer in used merchandise was not lawfully obtained by the seller or borrower or is evidence of a criminal offense, the Chief may issue a written or oral order requiring the dealer in used merchandise to hold the property without alteration or change, and not allow it to be sold or redeemed for a specific period, not to exceed 180 days from the date of the order. If such order is given orally, the Chief shall confirm it in writing within forty-eight hours.
- (b) During any holding period ordered under this section, every dealer in used merchandise shall, upon request by any peace officer of this state, deliver the article to the peace officer.
- (c) Notwithstanding any holding period ordered under this section, the Chief may authorize the sale or transfer of an item before the expiration of the ordered holding period in cases in which the dealer in used merchandise shows that an extreme hardship will result from holding the property for the ordered holding period.
- (d) If a pledgor seeks to redeem property that is subject to an order under this section, a dealer in used merchandise shall advise the pledgor of the order and the name of the peace officer who placed the hold on the property. If the property is not required to be held pursuant to a criminal prosecution, the order shall be rescinded.
- (e) Whenever the Chief has reason to believe that property in the possession of a dealer in used merchandise has been reported lost or stolen, the Chief may notify the person who reported the property as lost or stolen and the police agency taking such report of all of the following:
 - (1) The name, address and telephone number of the dealer in used merchandise who reported the acquisition of the property.
 - (2) That the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property by the dealer in used merchandise.
 - (3) The length of any holding period ordered pursuant to this section.
- (f) Nothing in this Section shall be construed to alter the authority of a peace officer to seize property pursuant to any other provision of law. (Ord No. 27-13)

30.215. Release of Property.

- (a) Except as otherwise provided by this section, the Chief may not release property subject to SRC 30.200 through 30.250 which has been seized to anyone other than the person from whom the property was seized or their authorized agent.
- (b) The Chief may release seized property another law enforcement agency, if the other law enforcement agency provides documentation to the satisfaction of the Chief of Police of the stolen status of the property.
- (c) The Chief may release seized property to a person who has reported the property stolen only as provided in this subsection. The property may be released to such a person provided:
 - (1) The person has filed with the Chief a stolen property list in a form approved by the Chief and certified under penalty of law to be true and correct.
 - (2) The Chief has caused a written notice to be delivered to the dealer in used merchandise from whom the property was seized, and to any person who pledged or pawned the property.
 - (A) The notice required by this paragraph shall state that the property will be released to the person who filed a stolen property list with the Chief unless the dealer in used merchandise or the person who pledged or pawned the property files a motion for release of property as provided in SRC 30.220.
 - (B) The notice required by this paragraph shall be sent by certified mail, return receipt requested, or delivered in person, to the dealer in used merchandise at the address shown on the last received license application or license renewal application for the business, and to any person who pledged or pawned the property at the address on the record required by SRC 30.200.
 - (3) The failure of any person to receive the notice required pursuant to this section shall not invalidate or otherwise affect proceedings under SRC 30.200-30.250. (Ord No. 27-13)

30.220. Motion for Release of Property.

- (a) Within ten days of receiving an order to hold under SRC 30.210 or within ten days of the date of a notice under SRC 30.205, any person with an interest in the property subject to the order to hold or notice may file with the municipal court a motion to release the property to the movant. A copy of the motion must be served on the Chief of Police within the same ten-day time period.
- (b) A motion for release of property shall be based upon the ground that the movant has a valid claim to rightful possession of the property because of any of the following:
 - (1) The property had been stolen or otherwise converted, and the movant is the owner or rightful possessor;
 - (2) The property was not in fact subject to an order to hold under SRC 30.210 or a notice under SRC 30.205;
 - (3) The movant is lawfully entitled to possess the property; or
 - (4) Although the property was subject to an order to hold under SRC 30.210 or a notice under SRC 30.205, the movant is or will be entitled to the return or restoration of the property upon the court's determination that the property is no longer needed for evidentiary purposes.
- (c) The municipal court shall consider such a motion if there is another court with ultimate trial jurisdiction over a crime charged in connection with the seizure of the property.
- (d) If, upon consideration of a motion for release of property, it appears to the municipal court that the property should be released, but there is a substantial question whether the property should be released and remain in the possession of the dealer in used merchandise or be released to some other person, or there is a substantial question among claimants as to rightful

possession, the court shall set a hearing, assuring that all persons with a possible possessory interest in the property in question receive due notice and an opportunity to be heard, and, after such hearing, either deny the motion or enter an order for the release of the property.

(e) If there is no substantial question whether the property should be released to the person who filed a motion for release of property, the municipal court shall order the property released to that person.

(f) Instead of conducting the hearing provided for in subsection (d) of this section, the municipal court, in its discretion, may order any hold issued under SRC 30.210 removed, allowing any claimants the ability to pursue appropriate civil process for the determination of their claims.

(g) A copy of any stolen property list which has been certified as a true copy by the custodian of police records may become part of the record in any hearing under this section and is not be excluded by ORS 40.455, regardless of whether or not the declarant is available as a witness. No extrinsic evidence of authenticity is required.

(h) The Chief's order or notice shall remain in effect during the pendency of any motion to release property. (Ord No. 27-13)

30.225. Enclosure of Junk Required.

(a) All dealers in used merchandise shall confine their storage, display, wrecking, dismantling, disassembling, packaging, or similar operations involving junk wholly within a building the interior of which is not visible from the outside thereof except through doors used for ingress and egress, or within a fence, wall, or landscaped berm constructed in compliance with all applicable laws.

(b) Every building or enclosure used as required in subsection (a) of this section shall be constructed so that the vertical walls thereof can withstand a pressure from each side and every angle of at least fifteen pounds per square foot.

(c) The exterior walls of every such building or enclosure shall be painted with at least two coats of paint of one solid color, which paint shall be compatible with the material on which it is placed. Such walls shall be maintained so as to present a neat and orderly appearance.

(d) No junk kept within any such building or enclosure shall be placed so as to be visible from the exterior thereof. (Ord No. 27-13)

30.230. Purchases from Minors.

(a) It shall be unlawful for any dealer in used merchandise, or any employee or agent of the dealer in used merchandise, to purchase or acquire incident to the dealer in used merchandise's business any goods, wares, articles, or other personal property of any description from any person under the age of eighteen years.

(b) A violation of this section is an infraction. (Ord No. 27-13)

30.240. Unlawful Transactions with Person Prohibited from Selling Property.

(a) It shall be unlawful for any dealer in used merchandise, or for any employee or agent of any dealer in used merchandise, to knowingly acquire or purchase any goods, wares, articles, or other personal property of any description from a person known to the dealer in used merchandise, or to the employee or agent of the dealer in used merchandise, who is prohibited from selling such property by a court order.

(b) A violation of this section is a misdemeanor. (Ord No. 27-13)

30.245. Unlawful Transactions in Certain Types of Property.

(a) It shall be unlawful for any dealer in used merchandise to knowingly purchase, acquire by pledge, or loan money against any of the following types of property:

- (1) Prescription medications;
 - (2) Gift cards, in store credit cards, or activated phone cards; or
 - (3) Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible.
- (b) A violation of this section is a misdemeanor. (Ord No. 27-13)

30.250. Failure to Keep Records.

- (a) It shall be unlawful for any dealer in used merchandise or for any employee or agent of a dealer in used merchandise, to fail to make or keep any record as required by SRC 30.200.
- (b) A violation of this section is an infraction. (Ord No. 27-13)

30.255. Unlawful Alteration of, Commingling With, and Failure to Produce Articles.

- (a) It shall be unlawful for any dealer in used merchandise to knowingly violate SRC 30.205(a) or SRC 30.205(b), or to fail to produce any article required to be produced pursuant to SRC 30.205(c).
- (b) A violation of this section is a misdemeanor. (Ord No. 27-13)

30.260. Failure to Obey Order of Chief; Failure to Deliver Article to Chief.

- (a) It shall be unlawful for any dealer in used merchandise to knowingly violate an order issued pursuant to SRC 30.210(a), or to fail to deliver any article requested under SRC 30.210(b).
- (b) A violation of this section is a misdemeanor. (Ord No. 27-13)

30.265. Failure to Obtain Proof of Identity.

- (a) It shall be unlawful for any dealer in used merchandise, or any employee or agent of a dealer in used merchandise, to purchase or acquire by pledge or loan any goods, wares, articles, or other personal property of any description without first obtaining adequate proof of identity.
- (b) A violation of this section is an infraction. (Ord No. 27-13)

NIGHT CLUBS

30.300. Standards of Operation. Every night club operator shall provide adequate supervision to ensure that:

- (a) No person who is intoxicated or apparently under the influence of narcotic or dangerous drugs is permitted to enter or remain on the premises of the night club;
- (b) No person who is violating SRC 95.120 is allowed to remain on the premises of the night club;
- (c) The night club is operated at all times in compliance with all applicable state and local fire codes and other administrative rules, including, but not limited to, the designation of "no smoking" areas, limiting the number of persons occupying the night club, and ensuring the number and accessibility of emergency exits;
- (d) The night club is operated in compliance with SRC 30.400-30.420. (Ord No. 27-13)

30.305. Inspection. All night clubs shall be open for inspection by any police officer or Fire Code Official of the City at all times. (Ord No. 27-13)

30.310. Rights of Operator. The privileges of a patron to enter and to remain on the premises of a

night club shall be revocable by the operator at any time and for any or no cause, notwithstanding any consideration paid or tendered by the patron, unless such revocation would amount to unlawful discrimination against such person in violation of any federal, state or local law or regulation. (Ord No. 27-13)

MOBILE FOOD UNITS

30.400. License Required.

(a) A mobile food unit license shall be valid for a period of one year from the effective date of the license, and may be renewed pursuant to SRC 30.055.

(b) A separate mobile food unit license and fee shall be required and secured by the vendor under the provisions of SRC Chapter 30 for each mobile food unit used by the vendor to carry on the vendor's business. (Ord No. 11-14)

30.405. Location.

(a) Mobile food units may only operate in zones where allowed as a permitted use.

(b) Mobile food units shall not operate or be located in a public right of way. Mobile food units may operate on City owned property provided the licensee is granted a site specific permit which shall be displayed conspicuously on-site.

(c) A mobile food unit may only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met. (Ord No. 27-13; Ord No. 11-14)

(d) The location standards of this section do not apply to mobile food units which operate as a vendor within an approved community event or where a street closure permit is granted. (Ord No. 29-14)

30.410. Standards.

(a) Operation of a mobile food unit shall conform with all applicable laws and regulations, including zoning and land use requirements.

(b) A mobile food unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways or drive aisles of any off-street parking area and shall be located so as to no create a traffic or safety hazard.

(c) All mobile food units which are parked in a stationary location for a period of 24 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile food unit.

(d) Mobile food units are not permanent structures and must remain capable of being moved.

(e) Mobile food unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within twenty feet of the mobile food unit when conducting business. (Ord No. 11-14)

SPECIAL EVENTS

30.500. Conduct of Special Events. Every person who conducts a special event, and all agents or employees of such person, shall provide adequate supervision to ensure:

(a) No person who is intoxicated or under the influence of narcotic or dangerous drugs is permitted to enter or remain on the premises where the special event is conducted;

(b) No person violating SRC 95.120 is allowed to remain upon the premises where the special event is conducted;

(c) All applicable state and local fire codes and regulations are complied with, including "no

smoking" areas, the number of persons occupying a structure, and the number and accessibility of emergency exits.

(d) All applicable rules and regulations imposed by the Oregon Liquor Control Commission are complied with. (Ord No. 27-13)

30.505. Safety Plan. Every special event shall have a safety plan that makes adequate provision for:

(a) The safe and expeditious movement of traffic going to and from the special event, including provision for parking, traffic control officers, lighting, and signs to eliminate unreasonable confusion, congestion, and hazard to traffic on the public streets;

(b) The orderly movement and accommodation of spectators, control of disorderly persons or groups, and restriction of the competition area to officials, participants, and their crews; and

(c) The protection of spectators and other persons and property in the special event from unnecessary risk of injury or damage from fire, collision or other hazards inherent in the special event, including, but not limited to designing and equipping the premises with adequate fences, walls, screens, shields, abutments and other facilities. (Ord No. 27-13)

30.510. Inspection. Special event premises shall be open for inspection by any police officer or Fire Code Official of the City at all times. (Ord No. 27-13)

30.515. Insurance. Before a license for a special event that involves use of public right-of-way is issued, the applicant shall obtain public liability, food products liability, and property damage insurance protecting the applicant and the City from all claims for damage to property or bodily injury, including death, which may arise from the activities under the license or in connection therewith. Such insurance shall provide coverage of not less than the minimum amounts set forth in the Oregon Tort Claims Act, ORS 30.260 through 30.300. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name the City, its officers, agents and employees as additional insureds, and shall provide that the policy shall not terminate or be canceled without thirty days prior written notice to the City. (Ord No. 27-13)

TOURIST PARKS

30.600. Management, Generally. Every tourist park shall be under the direct control of the owner or the owner's managing agent, who shall be delegated by the owner with the authority and responsibility to do all things necessary for the proper and efficient routine operation of the park and for the protection of the health, safety, and comfort of the occupants thereof. Unless the owner or manager resides in the park, a public telephone shall be maintained in the park, and the names and telephone numbers of the owners and any managers shall be prominently posted at or near such telephone. In addition, a list of the names and addresses of all owners and managers shall be filed with the Director and shall be kept current by giving notice in writing of any changes within ten days of such change. (Ord No. 27-13)

30.605. Site Requirements. Every tourist unit in a tourist park shall:

(a) Be located on a well-drained site which is generally level, but which is graded to prevent accumulation of surface water;

(b) Be free from marshy or swampy ground, dense growth of vegetation, and well-removed from breeding places of disease-carrying insects or rodents;

(c) Be designed so that no recreational vehicle or camp structure will be placed or erected within ten feet of any building or within fifteen feet of any other recreational vehicle or camp structure;

(d) Be located so that no part thereof is within five feet of a property boundary line or within twenty feet of any public street;

- (e) Be not less than twenty-five feet by thirty-five feet in dimension, with the corners clearly marked so as to readily identify the boundaries thereof; and
- (f) Be easily accessible from a hard-surfaced roadway. (Ord No. 27-13)

30.610. Cleaning, Painting, Etc., of Buildings. The owner or manager of each tourist park shall provide for the regular cleaning, painting, repairing, and disinfecting of all buildings thereon. (Ord No. 27-13)

30.615. Office and Records Generally. Each tourist park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management or supervision of the tourist park. Such records shall be available for inspection by the Director during regular business hours. (Ord No. 27-13)

30.620. Inspection of Water and Sanitary Conveniences. The owner or manager of each tourist park shall provide for regular inspection of the sewer and water systems and the sanitary conveniences located at the tourist park. The owner and manager shall permit the Director to inspect such facilities at any reasonable hour and at any time where a condition which threatens the public health is suspected to exist. (Ord No. 27-13)

30.625. Roadways. All tourist parks shall contain asphaltic or cement concrete roadways or driveways shall be provided not less than eighteen feet in width. Such roadways or driveways shall be well marked in the daytime and well lighted at night, and so located that the entrances and exits required by SRC 30.630 and each tourist unit of the tourist park are connected to and easily accessible therefrom. (Ord No. 27-13)

30.630. Entrances and Exits. All tourist parks shall provide one or more entrances and exits, the use of which shall be enforced. All entrances and exits shall be well marked and so arranged that they will be easily controlled and supervised. (Ord No. 27-13)

30.635. Suppression of Unlawful Conduct. The owner or manager of any tourist park shall require the occupants thereof and other persons lawfully upon the premises to observe all applicable provisions of SRC Chapters 90, 93, and 95, and shall actively enforce such requirement by any lawful means including the summary eviction of occupants who do not abide thereby. (Ord No. 27-13)

30.640. Report of Communicable Disease. The owner or manager of every tourist park shall report to the Director all cases of communicable disease or suspected cases of communicable disease affecting any occupant of the tourist park. (Ord No. 27-13)

30.645. Preparation and Posting of Standard Rules and Regulations. The owner or manager of a tourist park shall see that copies of standard rules and regulations are prepared and posted in conspicuous locations throughout the tourist park. (Ord No. 27-13)

30.650. Register to Be Kept. The owner or manager of each tourist park shall keep a register of all persons accommodated at the tourist park. Such register shall include the name and home address of each person or the head of each family accommodated at the park, and the number and description of each automobile or other vehicle accommodated at the tourist park. (Ord No. 27-13)

30.655. Use of Recreational Vehicles Outside Tourist Parks; Certain Licenses Required.

- (a) Except as provided in subsection (b) or (c) of this section, it shall be unlawful for any person to use any motor vehicle or recreational vehicle as a place of temporary or permanent

habitation except in a licensed tourist park.

(b) A recreational vehicle may be used as a place of temporary habitation outside of a tourist park if:

(1) The aggregate of time such vehicle is so used in any thirty day period does not exceed seventy-two hours;

(2) The provisions of ORS 446.345 are not violated;

(3) Such vehicle is not parked upon private property between the hours of 10 p.m. of any day and 7 a.m. of the following day without the express consent of the owner or person in control of such property; and

(4) Such vehicle is not parked upon a public street at any time while any of the occupants therein are asleep.

(c) The Director may issue a license to use a recreational vehicle as a place of temporary habitation for a period of time in excess of seventy-two hours if:

(1) The provisions of ORS 446.345 are not violated;

(2) Such vehicle is not parked upon private property between the hours of 10 p.m. of any day and 7 a.m. of the following day without the express consent of the owner or person in control of such property;

(3) Such vehicle is not parked upon a public street at any time while any of the occupants therein are asleep;

(4) The recreational vehicle will not be located in any commercial or industrial zone unless the recreational vehicle is used on private property then being used for residential purposes as a lawful use in such zone; and

(5) The vehicle has been inspected by the Director to insure that adequate arrangements have been made for the protection of the health and safety of the occupants thereof and of the public.

(d) A violation of subsection (a) of this section is an infraction. (Ord No. 27-13; Ord No. 6-15)

30.660. Prohibited Utility Connections.

(a) It shall be unlawful for any person to connect any electric, water, sewer, gas, or telephone line from any source to a recreational vehicle if any portion of such line between the connection at the recreational vehicle and the point of connection at the source extends over, across, or under any public street, sidewalk, alley, public park, or other public right-of-way or any portion thereof.

(b) A violation of this section is an infraction. (Ord No. 27-13)

VEHICLES FOR HIRE

30.700. Vehicle for Hire Level of Service.

(a) Unless otherwise provided by this section, a vehicle for hire agency shall provide twenty-four hour service each and every day of a calendar year.

(b) A vehicle for hire agency operating a wheelchair coach service shall provide service from 7:00 a.m. to 7:00 p.m., Monday through Friday each and every week of a calendar year and at all other times a passenger makes a reservation twenty-four or more hours in advance of the requested time of pickup.

(c) Every vehicle for hire driver shall respond to a call for service and arrive at the place of pickup, within forty-five minutes of the call between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and shall arrive at the place of pickup within sixty minutes of the call on weekends and holidays, and after 7:00 p.m. on weekdays.

(d) For purposes of this section, a vehicle for hire agency provides the required service if the

vehicle for hire agency refers calls to another vehicle for hire agency operating in compliance with the provisions of this Chapter. (Ord No. 27-13; Ord No. 16-15)

30.705. Safe and Adequate Service Required.

- (a) The interior of a vehicle for hire shall be kept clean and free of debris.
- (b) Each vehicle for hire shall be maintained in conformance with all applicable laws and regulations. (Ord No. 27-13; Ord 16-15)

30.710. Persons Under Influence of Liquor or Drug Not Permitted to Act as Driver. No vehicle for hire shall be operated by any person who is under the influence of intoxicating liquor or a controlled substance. (Ord No. 27-13; Ord No. 16-15)

30.715. Addition of Vehicles. Whenever a vehicle for hire is to be added to service by a vehicle for hire agency, the owner or lessee of the vehicle shall file with the Director the following information for each vehicle to be added;

- (1) The make and model of the vehicle;
- (2) The Oregon motor vehicle registration number (license plate number);
- (3) The manufacturer's serial number or other vehicle identification number; and-
- (4) A safety inspection report completed by a mechanic certified by the National Institute for Automotive Excellence (ASE) indicating the vehicle is safe for use on public streets. (Ord No. 27-13; Ord No. 16-15)

30.720. Not to Issue If Vehicle Number the Same as That of Another Licensee. No vehicle for hire license shall be issued to any applicant having the same vehicle identification number or license plate number on his license application as that of any other vehicle for hire license issued pursuant to this Chapter. (Ord No. 27-13)

30.725. Marking. Every vehicle for hire shall be marked conspicuously with the name or logo of the vehicle for hire agency and any individual number used to identify the vehicle. (Ord No. 27-13; Ord No 16-15)

30.730. Taximeter Inspection. Every taximeter shall be inspected and tested for accuracy by the vehicle for hire agency at least once every six months. (Ord No. 27-13; Ord No. 16-15)

30.735. Use for Certain Purposes Prohibited.

- (a) It shall be unlawful for any vehicle for hire to be used for any purpose which would amount to a violation of ORS Chapter 167 or of SRC Chapter 96.
- (b) A violation of this section is an infraction. (Ord No. 27-13; Ord No. 16-15)

30.740. Record of Trips.

- (a) A vehicle for hire agency shall maintain for each vehicle for hire driver employed by the vehicle for hire agency or utilizing the vehicle for hire agency's digital dispatch system, an accurate daily record of transportation services provided containing the following information:
 - (1) The driver's name, valid Oregon driver's license number, and vehicle for hire driver's license number;
 - (2) The company name and vehicle number, if any;
 - (3) The date and time of all service requests for service;
 - (4) The length of each trip and the place of origin and termination of each trip;

- (5) The fare paid;
 - (6) The number of passengers during each trip and any other items for which a charge was made; and
 - (7) The beginning and ending taximeter reading, if a taximeter is used, for each shift a vehicle for hire driver worked.
- (b) A vehicle for hire agency shall retain the daily record sheets for one year. (Ord No. 27-13; Ord No 16-15)

30.745. Inspections. Every vehicle for hire shall be subject to inspection without prior notice by the Director to ensure compliance with this Chapter. Inspections shall be done during the City's business hours. (Ord No. 27-13)

30.750. Medical Emergency Transportation. No vehicle for hire shall be used to transport:

- (a) Any person in acute medical distress, in need of immediate medical attention, or in need of care while en route to the hospital;
- (b) Any person who is in a reclining wheelchair with the back lowered more than thirty-three degrees or the feet raised more than ninety degrees, except that a wheelchair coach may transport a person on a stretcher if the person is not in acute medical distress. (Ord No. 27-13)

30.800. Qualifications for Vehicle for Hire Driver. A vehicle for hire driver shall:

- (a) Have attained the age of eighteen.
- (b) Be able to read and speak English sufficiently well so as to be able to converse with the general public;
- (c) Have a valid Oregon driver's Class A, B, or C license;
- (d) Not, during the consecutive five years immediately preceding the date of application for a vehicle for hire license, been convicted of any of the following traffic offenses;
 - (1) Reckless driving;
 - (2) Driving while under the influence of intoxicants;
 - (3) Failure to perform the duties of a driver involved in an accident or collision;
 - (4) Criminal driving while suspended or revoked; or
 - (5) Fleeing or attempting to elude a police officer. (Ord No. 27-13; Ord No 16-15)

30.805. Display of Rates and License.

- (a) Except as provided by SRC 30.845, rates shall be conspicuously posted in each vehicle for hire, except wheelchair coaches, in a manner that may be easily read from both the inside and outside of each vehicle, or they shall be displayed for the passenger through a digital dispatch system.
- (b) A vehicle for hire driver shall display the driver's laminated vehicle for hire driver's license with a picture with the driver visible to passengers. (Ord No. 27-13; Ord No. 16-15)

30.810. Passenger Receipt. Whenever requested by any passenger, a vehicle for hire driver shall provide to the person paying the fare at the time of payment a legible receipt for all services rendered, containing the name and address of the vehicle for hire's owner, the name of the vehicle for hire driver, any and all of the times for which a charge is made, the total amount paid, and the date of payment. The receipt may be physically printed or provided electronically through a digital dispatch system. (Ord No. 27-13; Ord No. 16-15)

30.815. Charges for Vehicle for Hire Services.

- (a) **Calculation and Display of Charges.** All charges for vehicle for hire services, except

services by wheelchair coach, shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernible to passengers.

(b) Charges to be Registered Only When Vehicle for Hire is Engaged. No taximeter or digital dispatch system shall be operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

(c) Taximeter or Digital Dispatch System to be in Continuous Operation. No passenger shall be carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

(d) Specialized charges. A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

(Ord No. 27-13; Ord No. 16-15)

30.820. Insurance.

(a) Except as specifically provided in subsection (b) of this section, all vehicle for hire agencies licensed pursuant to this Chapter shall obtain, and maintain in effect the minimum levels of insurance coverage outlined below during the entire term that the vehicle for hire agency license is valid:

(1) Commercial Liability Insurance. All vehicle for hire agency licensees shall obtain and maintain a policy or policies of commercial general liability insurance with limits of not less than \$2,000,000 per occurrence for claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability and incurred during the course of the licensee's activities pursuant to a vehicle for hire agency license.

(2) Vehicle Insurance. All vehicle for hire agency licensees, regardless of whether the agency holds title to a vehicle for hire or not, shall obtain and maintain a valid Commercial Auto Liability policy with a combined single limit of not less than \$1,000,000 per occurrence for claims arising out, but not limited to, Bodily Injury and Property Damage and incurred from the business use by the agency of any vehicle for hire.

(3) Each policy of insurance required by this section shall name as additional insureds "the City of Salem, Oregon, its officers, agents and employees" with respect to claims arising out of the vehicle for hire agency's activities pursuant to a vehicle for hire agency license.

(4) Each policy of insurance required by this section shall provide that such policy may not be canceled without a minimum of thirty (30) days' prior written notice to the City and shall be evidenced by an endorsement of such insurance approved by the City.

(5) Each policy of insurance required by this section shall be issued by an insurance company carrying an A.M. Best Company rating of B+ or better.

(b) During the period of time in which a vehicle for hire driver is logged into a transportation network company's digital dispatch system but has not yet accepted a request for transportation services through the digital dispatch system, a transportation network company may, in lieu of the insurance required in subsection (a) of this section, obtain and maintain in effect, a valid Commercial Auto Liability insurance policy with the following minimum levels of insurance coverage:

- (1) Not less than \$50,000 per person per occurrence for Bodily Injury;
- (2) Not less than \$100,000 in the aggregate per occurrence for Bodily Injury; and
- (3) Not less than \$25,000 per occurrence for Property Damage.-

During all other periods of service, transportation network companies shall obtain and maintain, insurance coverage in compliance with subsection (a) of this section. (Ord No. 27-13; Ord No. 16-15)

30.825. Use of Direct Route Required. A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination. (Ord No. 27-13)

30.835. Smoking Prohibited.

- (a) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.
- (b) Notwithstanding subsection (a) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.
- (c) A violation of this section is an infraction. (Ord No. 27-13)

30.845. Wheelchair Coaches; Fees for Service, Display Fees.

- (a) The operator of a wheelchair coach shall inform every passenger, or person responsible for payment, of the fees charged for the service.
- (b) The operator of a wheelchair coach shall post rates on five-inch by eight-inch signage which is visible to all passengers and also by posting the rates in the passenger compartment of each vehicle. Nothing stated herein shall preclude wheelchair coach operators from imposing specialized charges for extra services such as escorting passengers or assisting passengers to and from the vehicle; other specialized charges include, but are not limited to: extra passengers, delivering packages, transporting people in wheelchairs or stretchers, as long as all charges are posted/readily available to all passengers.
- (c) Wheelchair coach operators which are paid exclusively by third party providers and whose services include transportation to and from medical facilities only need not have a taximeter and post rates. (Ord No. 27-13; Ord No. 16-15)

PUSHCARTS

30.900. Separate License for Each Cart. A separate license shall be required for each pushcart or other conveyance used by a street vendor to carry on the street vendor's business. (Ord No. 27-13)

30.905. Inspection.

- (a) Prior to issuance of a street vendor's license, the Director shall inspect the street vendor's pushcart or other conveyance to be used. The Director shall verify that the pushcart or other conveyance is structurally and mechanically sound and that its design will not create a hazard to the public. No pushcart or similar conveyance shall be no larger than three feet six inches in width and six feet in length.
- (b) Each pushcart or other conveyance to be used shall be re-inspected annually for compliance with this section. (Ord No. 27-13)

30.910. Insurance. Before a license is issued to a street vendor, the applicant therefor shall first obtain and file with the Director a certificate of insurance evidencing public liability, food products liability, and property damage insurance protecting the licensee and City from all claims for damage to property or bodily injury, including death, which may arise from the activities under the license

or in connection therewith. Such insurance shall provide coverage of not less than the minimum amounts set forth in the Oregon Tort Claims Act, ORS 30.260 through 30.300. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name the City, its officers, agents and employees as additional insureds, and shall further provide that the policy shall not terminate or be canceled without thirty days prior written notice to the City. (Ord No. 27-13)

30.915. Use of Sidewalks.

(a) Except as required pursuant to SRC 30. 925, no street vendor licensed under this Chapter shall:

- (1) Have an exclusive right to any specific location on any public sidewalk;
- (2) Be permitted a stationary location;
- (3) Be allowed to occupy any area within ten feet from the inside crosswalk mark at the corner of each block, ten feet from the entrance to an alleyway, eight feet from the entrance to any building doorway, or in front of any restaurant that fronts on the street or alleyway.

(b) Pushcarts or other conveyances used shall be located upon the public sidewalk and shall maintain a minimum sidewalk clearance of five feet at all times.

(c) Street vendors conducting business on any sidewalk shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person on the sidewalk or street within twenty feet of the street vendor's pushcart or other conveyance at any time it is in a stationary position and the street vendor is conducting business.

(d) No street vendor shall make any loud or unreasonable noise of any kind by vocalizing or otherwise for the purpose of advertising or attracting attention to the street vendor's business.

(e) No pushcart or other conveyance used by a street vendor shall be left unattended on a sidewalk, between midnight and 6:00 a.m. (Ord No. 27-13)

30.920. Sanitary Standards. All utensils and equipment used by a street vendor shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state and local laws and regulations. (Ord No. 27-13)

30.930. Unlawful Operation Without Health and Sanitary Licenses.

(a) It shall be unlawful for a person to operate as a street vendor without all required health and sanitary licenses issued by the State of Oregon and applicable county.

(b) A violation of this section is an infraction. (Ord No. 27-13)

30.935. Prohibited Solicitation.

(a) It shall be unlawful for any person to solicit or demand any pecuniary benefit from any street vendor in return for the street vendor locating a pushcart or other conveyance on the sidewalk in front of any particular business.

(b) As used in this section, "pecuniary benefit" means money, property, or commercial interest.

(c) A violation of this section is an infraction. (Ord No. 27-13)

(CHAPTERS 31, 32, 33, AND 34 RESERVED FOR EXPANSION)