



AGENDA

CITY OF SISTERS SISTERS CITY COUNCIL

SISTERS CITY COUNCIL
520 E. Cascade Avenue
Sisters, OR 97759

September 17, 2015

8:00 a.m. WORKSHOP

1. Business License/Transient Merchant License/ Public Events – *L. Fujita-Conrads*
2. Other Business – *Staff/Council*

*This agenda is also available via the Internet at www.ci.sisters.or.us
The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling Kathy Nelson, City Recorder, at the number below.
520 E. Cascade Ave. – P.O. Box 39, Sisters, OR 97759 – 541-323-5213*

ORDINANCE NO. XXX

AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION 5.04 CONCERNING BUSINESS LICENSES.

5.04.010 Purpose. In order that business, manufacturing pursuits, trades, professions and callings may be carried on and conducted in the city in a, safe and peaceful manner, it is necessary that the same be licensed and regulated and safeguarded and that the city provide police and fire protection, street maintenance, street lighting and other services. It is necessary that license fees in such regulation defray the costs of such police and fire protection and costs of other necessary and vital municipal services. (Ord. 72A Sec. 1, 1974.)

5.04.015 Definitions.

(1) Annual Business. *Conducting or operating a business as defined in section 5.04.015(1)(a) with the intent to make the business continuous and permanent, and must be in operation from a location that the business has at least a one year lease or rental agreement.*

(1) Business, trade, profession or calling.

(a) *The sale of goods, wares or merchandise; or the rendering or offering to render any and all types of services; professional or otherwise, to the public generally; or the engaging in the manufacturing, distribution or leasing of goods, wares, or merchandise; or the renting of apartments, hotel rooms, vacation rental or house, motor courts, trailer camps or cabins; or the engaging in all types of mercantile, commercial contracting, industrial, manufacturing or construction occupations, carried on for profit (whether or not a profit is actually made) or not for profit. The activity may be from or involving a business or other address within the city (including the location of rental property), or any portion of the consideration may be exchanged or received within the City. Business, trade, profession or calling shall not include ordinary labor for hire;*

(b) *Any person, firm, company or corporation who engages in construction activities of all types within the city as a general contractor and maintains a permanent place of business out of the city.*

(2) Door to Door solicitation. *Any person, firm, company or corporation who carries goods, wares or merchandise, or offers services, from place to place, or from house to house, selling or offering the same for sale.*

(3) Ice Cream Truck *means a motor vehicle utilized as the point of retail sales of commercially prepared pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen products.*

(4) Temporary Business. Conducting or operating a business as defined in section 5.04.015(1)(a) for a minimum of twenty five (25) ~~four (4)~~ and a maximum of forty-five (45) consecutive days within a calendar year. The Temporary Business license days must be consecutive and includes days the business may be closed.

5.04.020 License -- Required.

(1) It is unlawful for any person, firm, company or corporation to engage in or carry on any business, trade, profession or calling, as defined in this code section, for the transaction or carrying on of which a license is or shall be required in this code section without first obtaining the business license required for such business, trade, profession or calling. No business license shall be issued to engage in a business that does not comply with local, state or federal law, ~~except that medical marijuana facilities shall be permitted.~~

(2) ~~"Business, trade, profession or calling," for the purpose of this section, shall be defined as:~~

(a) ~~The sale of goods, wares or merchandise; or the rendering or offering to render any and all types of services; professional or otherwise, to the public generally; or the engaging in the manufacturing, distribution or leasing of goods, wares, or merchandise; or the renting of apartments, hotel rooms, vacation rental or house, motor courts, trailer camps or cabins; or the engaging in all types of mercantile, commercial contracting, industrial, manufacturing or construction occupations, carried on for profit (whether or not a profit is actually made) or not for profit from or involving a business address within the city. This shall not include ordinary labor for hire;~~

(b) ~~Any person, firm, company or corporation who carries goods, wares or merchandise from place to place, or from house to house, selling or offering the same for sale generally on a regular basis of once or more during each six (6) week period of the year, except a resident merchant who, while maintaining a permanent place of business within the city, distributes goods from house to house;~~

(c) ~~One who brings a stock of goods, wares, merchandise, or musical instruments into the city, and who sells or offers to sell the same at retail without making the same a permanent and continuous business within the city, or who advertises that he is bringing to the city for sale any stock of goods, wares, or merchandise on a regular basis of once or more during each six (6) week period of the year;~~

(d) ~~Any person, firm, company or corporation who engages in construction activities of all types within the city as a general contractor and maintains a permanent place of business out of the city. (Ord. 72A Sec. 2, 1974; Ord. 148 Sec. 1, 1981)~~

5.04.022 Temporary Businesses. Temporary Businesses shall comply with the following criteria:

(1) The temporary business shall be consistent with and comply with all requirements of the underlying zoning district including western frontier architecture design theme in the Highway Commercial and Downtown Commercial zones.

(2) The temporary business shall comply with all provisions of City Code

(3) To ensure proper infrastructure exists for business activity, Temporary Businesses must have a set location and are only allowed on property with the following:

- (a) Curb, gutter, sidewalks**
- (b) On street parking**
- (c) Active water, sewer, and electricity service**
- (d) Access to on-site permanent restrooms**

(4) Lease or rental agreement to establish duration of the license.

(5) Americans with Disabilities Act (ADA) accessible pathway to dining and service areas.

(6) Meets all applicable City and County health and sanitation requirements.

(7) Meets all applicable Building Code requirements and will obtain permits for any proposed construction, electrical service or plumbing required to serve the temporary business.

(8) Signs shall comply with the City Development Code, Chapter 3.4 Signs.

(9) Is not located in the public right-of-way or impeding the safety or movement of pedestrians.

(10) Is located in such a manner that will not impede the normal use of driveways or circulation aisles, nor be located in a manner that encourages customers to stop in the street, driveway or circulation aisle to obtain service.

(11) Is restricted to the immediate confines of the temporary structure or area approved as part of the license.

(12) Any temporary structures will be removed within 24 hours of the expiration or termination of the license.

(13) License is issued for a single period per calendar year, no renewals or extensions. A business cannot reapply for a Temporary Business License within 180 days of the expiration of the previous license.

5.04.023 Door to Door Solicitation. Door to Door solicitation shall be subject to the following regulations:

(1) If a residence has a posted sign advising that solicitation is not welcome or is unwanted, solicitation at such residence shall be prohibited.

(2) Solicitation at private residences shall only occur between the hours of 10:00am and 8:00pm. There shall be no solicitation allowed on Sundays.

(3) The license obtained shall be a regular business license or temporary business license depending on duration of solicitation within the City.

5.04.024 Ice Cream Truck Regulations.

(1) The operator of an Ice Cream Truck must have a valid city business license under code section 5.04.020. As part of that application, the operator must provide:

a. The full legal name, date of birth, and residence address of the applicant and all vendors.

b. A valid identification issued by the government that includes a photograph of the applicant and all vendors.

c. The year, make, model, license plate number and color of the motor vehicle the applicant intends on using as an ice cream truck.

d. A copy of a valid registration certificate issued by the Oregon Department of Motor Vehicles for the ice cream truck identified in Section 7.522(3).

e. If employed by a business or other person, the name and address of such business or person.

f. Any conviction of the applicant or vendor for any misdemeanor or felony within the previous five (5) years and any felony at any time if the offense required registration as a sex offender under the laws of Oregon or of any other state, commonwealth, or possession of the United States.

g. The applicant's complete fingerprints taken by the Deschutes County Sheriff's Police Department.

h. Proof of valid insurance for the ice cream truck identified in this code section.

(2) **Fees.** The Sisters City Council shall establish fees for Ice Cream Truck vending under this code. These fees will be part of the City Fee Schedule and will be reviewed by the City Council.

(3) **Display of License.** The Ice Cream Truck Vendor license needs to be displayed in full public view on the ice cream truck. A law enforcement officer may detain an individual operating an ice cream truck for the limited purpose of determining the status of the vendor's license.

(4) **Criteria for Denial of License or Revocation.** Ice Cream Truck Vendor business

license may be denied or revoked if the applicant or vendor:

- a. files to comply with all City of Sisters ordinances and codes.*
- b. makes any false or misleading information is supplied in the application or any information requested is omitted from the application.*
- c. has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, narcotics or dangerous drugs, fraud or moral turpitude within the last five years.*
- d. The applicant has been convicted of reckless driving or driving a vehicle under the influence of alcohol or a controlled substance or convicted of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving the vehicle within a five-year period of the time of the permit application.*
- e. The applicant is registered as a sex offender in the State of Oregon or in any other state, commonwealth or locale in the United States.*
- f. The applicant has been convicted of two or more felonies.*
- g. The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.*
- h. The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.*
- i. The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition or operation.*
- j. The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.*
- k. Has had a Ice Cream Truck Vendor License revoked.*

(5) Ice Cream Truck Vendor Operations.

a. Permitted Sales Locations: Sales from ice cream trucks shall occur only on public ways within a speed limit of 25 miles per hour or less located within residential zones under the Sisters Comprehensive Plan and Zone Map or on private ways with the consent of the owner or owners of the private way.

b. Prohibited Locations: No ice cream truck shall make any sales within 500 feet of a restaurant or retail store selling prepackaged food items. No ice cream truck shall make any sales within 500 feet of any public school.

(6) Hours of Operation: Ice Cream trucks may stop for the purpose of making sales only between the hours of 11:00 AM and 8:00 PM.

(7). Limits on Products Sold: Only commercially prepared pre-wrapped or pre-packaged food items may be sold from an ice cream truck. Non-frozen items such as commercially prepared pre-packaged soft drinks, candy, chewing gum and snack food may be sold from an ice cream truck provided the principal product sold is ice cream and/or similar frozen dessert products.

(8) Safety/Traffic Control:

a. The Ice Cream Truck must be completely stopped and parked before selling product. The vendor shall only sell products from the side of the truck away from moving traffic and as near as possible to the curb or edge of the street.

b sign shall be placed on the sides and back of the ice cream truck that is clearly

visible to traffic labeled, "Caution: Children Crossing". The letters shall be at least six inches high and visible at 200 feet on a level, straight highway.

c. The Ice Cream Truck shall have at least one flashing yellow beacon on the roof of the vehicle which is visible from all sides of the vehicle. The beacon shall be activated whenever merchandise is being sold.

d. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.

e. Ice Cream trucks shall pull as far as practicable to the side of the right-of-way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right-of-way.

f. No ice cream truck shall stop at any time for the purpose of making sales in any area where parking is prohibited by the City of Sisters or in any area posted as a no parking zone.

g. No ice cream truck shall move in reverse to sell or display merchandise.

(9) Noise Restrictions:

a. No playing of music earlier than 11:00 AM or later than 8:00 PM, or at sunset "whichever occurs first".

b. No playing of music in a way that the sounds can be heard more than 200 feet away.

c. No playing of music along the same block face traveling in either direction on a street more than once every two consecutive hours.

d. No playing of music while the vehicle is stopped.

(10) Rubbish Receptacle Required: Each ice cream truck shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator of the ice cream truck shall remove any litter left at the stop by the customers.

(11) Food Storage:

a. Interior floor, sides and top of the compartments where the ice cream is stored shall be free of cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning with approved sanitizing agents.

b. Be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or premises.

(12). Inspections: Ice Cream Truck Vendors shall be subject to inspection and approval by the enforcement agency at least once a year at the time of the license application and randomly throughout operations as merited.

5.04.025 Two or more business premises; Two or more businesses on same premises.

(1) Conducting a business or businesses at two or more locations shall, for the purposes of this code section, be deemed separate businesses and each are required to obtain a business license as provided for in this chapter. Except that a business that is operating within the City of Sisters and has a valid city business license may obtain a transient merchant license to sell

the same items typically sold at the business's permanent location.

(2) If two or more businesses are carried on in the same premises, each must be separately licensed, regardless of how they share the facilities or manage purchases and payments. However, if the two or more businesses are related businesses and are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily used (based upon the total number of employees for each business, the sales for each business, or other metric acceptable to the City) shall be sufficient for all such business activities. Whether different business activities on the same premises are related shall be determined by staff, taking into consideration the normal and ordinary customs of similar businesses.

~~The conducting of a business or businesses at two or more locations shall, for the purposes hereof, be deemed to be separate businesses and each thereof shall be subject to the license tax provided for in this chapter. If two or more differently classified but related businesses are carried on in the same premises by the same owners, one license issued in the name of the business to which the premises are primarily appropriated and based upon the total number of employees or other units on the whole premises shall be sufficient for all such activities; provided, any business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered. (Ord. 148 Sec. 2, 1981)~~

5.04.030 License - Application - Fee - Issuance. No license shall be issued to any person, firm, company or corporation except upon written application, and the amount required for the license shall accompany the application, to the ~~city recorder~~ **City Manager or designee**, and upon approval of the application ~~by the common council, the city recorder shall issue a license~~ **shall be issued** to the person, firm, company, or corporation applying therefore, according to the provisions of this chapter. (Ord. 72A Sec. 3, 1974.)

5.04.040 License - Nontransferability. Every such license shall specify, by name, the person, firm, company or corporation to whom it shall be issued, and shall designate the particular place at which the business shall be carried on. No license issued under this code section shall be in any way or manner assignable or transferable, or authorize any person other than is therein mentioned or named to do business, or authorize any other business than is therein mentioned or named to be done or transacted, or the business therein mentioned or named to be done or transacted at any other place than is therein mentioned or named. (Ord. 72A Sec. 4, 1974.)

5.04.050 License - Fee. Every person, firm, company, or corporation, before engaging in or pursuing any business, trade, profession, or calling, shall obtain a license to do so, as provided in this chapter, and make ~~yearly payment to the city recorder~~ **the required payment** for license fee in such amount or amounts to be established by City Council resolution and listed in

the current adopted master fee schedule. (Ord. 72A Sec. 6, 1974.)

5.04.060 License - Expiration - Collection of Fee. All licenses issued as provided in this chapter, ***excluding Temporary Business Licenses***, shall expire June 30th of each year. The full amount of the annual license fee required by Section 5.04.050 shall be collected ***for all businesses that begin operation*** licenses issued under the provisions of this chapter between July 1st and September 30th. Three-fourths (3/4) of the license fee shall be collected ***for any business that begins operation*** on all licenses issued between October 1st and December 31; one-half (½) of the license fee shall be collected ***for any business that begins operation*** on all licenses issued between January 1st and March 31st; one-fourth (1/4) of the license fee shall be collected ***for any business that begins operation*** on all licenses issued between April 1st and June 30th of each year. ***Temporary Business License fees will not be prorated. The business must pay any outstanding business license fees before a new business license will be issued.*** (Ord. 72A Sec. 7, 1974.)

5.04.070 License -- Contents -- Display.

(1) Each license issued as provided in this chapter shall contain the name, residence and particular place of business of the licensee; the particular business, trade, profession or calling, the transaction of which is therein licensed; the date of the issuance and expiration of said license; and the amount paid for said license. Each license issued under the provisions of this chapter shall at all times be displayed in a conspicuous place in the office, store, or place of business of the licensee.

(2) Where the licensee has no office, business premise or other established place of business within the city, the license shall be in the possession of the representative of the business present within the city at all times during which business is being transacted by any employee or representative within the city. (Ord. 72A Sec. 8, 1974, amended by Ord. 148 Sec. 3, 1981.)

5.04.080 Evidence of liability. In any action brought under or arising out of the provisions of this chapter, the fact that the party, firm or corporation thereto represented himself, herself, or itself as engaged in any business or calling, for the transaction of which a license is required, or that such party advertises and/or exhibits a sign indicating such business or calling, shall be conclusive evidence of the liability of such party, firm or corporation for the license. (Ord. 72A Sec. 5, 1974.)

5.04.090 Deposit of license fees in general fund. All license fees and monies collected under and by virtue of this chapter shall be deposited and placed in the general fund of the city, and the same shall be disbursed only upon order of the common council. (Ord. 72A Sec. 11, 1974.)

~~5.04.100 Examination of licensed premises by city officials. The chief of police Deschutes County Sheriff's deputies, Deschutes County health officer, their deputies, and/or any other duly authorized official of the city, are directed and empowered to investigate and examine all~~

~~places of business licensed or subject to license under the terms of this chapter at any and all reasonable times, for the purpose of determining whether such place of business is safe, sanitary, and suitable for the business so licensed or for which application for license is made. The application for and acceptance of a business licenses is the business owners authorization for such entry. In the event it is determined by any of the officers or their duly authorized agents that any such place of business is dangerous to public health, safety or likely to become a menace or nuisance, a report of such determination and the reasons thereof shall be made in writing to the common council, which shall take such action as it may deem necessary and advisable. The decision of the common council on such matters shall be final. (Ord. 72A Sec. 13-1974.)~~

5.04.105 Revocation of License. If the City Manager determines a licensed business is in violation of this code, notice shall be given to the licensee in writing and the license shall be revoked. There will be no refund of license fees.

5.04.110 City's right to increase, decrease, or reclassify license. Nothing contained in this chapter shall be taken or construed as vesting any right in the licensee as a contract obligation on the part of the city as to the amount or character of license under this chapter, and such license may be increased or decreased in any or all instances at any time by the city, and any business, trade, profession, or occupation scheduled in this chapter may be reclassified or subclassified at any time, and all license fees levied by this chapter shall be due and payable in advance. (Ord. 72A Sec. 14, 1974.)

5.04.120 License tax to be in addition to general ad valorem tax. The license tax levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter fixed or levied pursuant to law or to any other license or tax levied by any other taxing authority. (Ord. 72A Sec. 15, 1974.)

5.04.130 Violation -- Penalty. Any person, firm, company or corporation who, within the limits of the city, engages in, prosecutes or carries on any business, trade, calling or employment for gain, for which a license is required by this chapter, without first obtaining a license as provided in this chapter, or who in any manner fails to comply with any of the requirements of this chapter shall, upon conviction therefore, be fined not less than ten dollars (\$10), nor more than one hundred dollars (\$100), for each violation thereof; and, in case a license has been issued, the license may be canceled and the fee for the same shall be forfeited. (Ord. 72A Sec. 12, 1974.)

5.04.140 Additional remedies. In addition to the penalty provided for in Section 5.04.130, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgment and enforce collection therefor by execution for any license due under this chapter and may also file suit for an injunction against any person, firm, or corporation conducting any business, trade, profession, calling, or occupation scheduled in this chapter and specified until such license has been fully paid. ***The business shall also pay to the City all of its costs and attorney fees in any such proceeding.*** (Ord. 72A Sec. 16, 1974)

9/17/2015

5.04.150 Appeal. Any business aggrieved by the denial or revocation of a business license shall have the right to appeal to the Sisters City Council. Such appeal shall be made by filing a written statement with the City Manager within 5 days of the action complained of, setting forth the grounds for appeal. The Council may set a time and place for hearing within thirty (30) days of receipt of the statement or may make a decision on the written appeal. Written notice of the hearing shall be sent to the appellant at the address provided on the application.

DRAFT

ORDINANCE NO. XXX

AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION 5.24 CONCERNING
TRANSIENT MERCHANTS

5.24.110 Definition. A Transient Merchant is a person *or business* who either carries goods, wares, or merchandise from area to area (or City to City), selling or offering the same for retail sale; or who offers goods, wares, merchandise or services from a ~~vehicle, trailer or cart,~~ temporary apparatus, or temporary location, ~~or door to door,~~ without making the business permanent and continuous in the City. (Ord 295, 1999.)

5.24.115 License Required.

(1) No person or other entity shall engage, conduct or participate in the business of a transient merchant in the City without first obtaining a ~~temporary business~~ **Transient Merchant** License, which shall be available during regular business hours.

(2) The license fee for a transient merchant shall be set by Council resolution. ~~The City Administrator or City Council shall have the sole discretion to waive or reduce the fee for any entity when the City Administrator or City Council finds that the purpose of the activities of the entity will benefit the City. If the Transient Merchant is a municipal, government, educational, or civic organization, the fees may be waived or reduced at the sole discretion of the City Manager or City Council.~~

(3) Licenses are limited to a three (3) consecutive day period, six (6) times per calendar year on the same property. Transient Merchants shall not locate on or within 400 feet of Cascade Avenue (this requirement shall not apply to existing businesses that obtain a transient merchant license pursuant to Sisters Code Section 5.04.025). An individual lot shall not have more than 3 Transient Merchants at one time ~~without the written approval of the City. If a property will have 10 or more Transient Merchants, it must also comply with the following:~~

~~(a) At least 30 days prior to the proposed merchant dates the applicant must provide a written application that includes written consent of the property owner, a complete plan for traffic control, adequate off street parking, pedestrian circulation, and sanitation, all of which must be acceptable to the City. In addition, the application shall also ialong with plans acceptable to the demonstrates satisfactory for City approval obtain a site plan approval from the City, which will include review and illustration of traffic, parking, and pedestrian circulation, compliance with the 1880's theme where applicable;~~

~~(b) If Cannot be located within 100 feet of Cascade Avenue between Pine and Locust Streets the transient merchant booths and overall market place are required to comply with western frontier architecture design theme and must include in the application the western frontier architecture plan;~~

~~(d) The use cannot occur during the following city wide events: Sisters Rodeo, Quilt Show, or Folk Festival.~~

~~(e) The City Manager or designee shall have the right to go upon the premises or facilities for the purpose of inspection and enforcement of this ordinance.~~

(4) Application for a license shall be made to the City Administrator **Manager** in writing and shall contain the following information:

- (a) The name, permanent address and telephone number of the person or entity to whom the license will be issued;
- (b) The nature of the business to be conducted;
- (c) The days for which the license is to be granted;
- (d) The location where the business will be conducted and the written consent of the property owner.
- (e) Copies of all required state and county certificates and licenses.

~~(3)~~ (5) Upon receipt of the completed application and payment of the license fee the City Administrator **Manager** or designee shall issue the license, subject to any conditions necessary to protect the health, peace and safety of the residents of Sisters.

~~(4)~~ (6) The permit shall not be granted if any of the following exist:

- (a) Any false or misleading information is supplied in the application or any information requested is omitted from the application.
- (b) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five years.
- (c) The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.
- (d) The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.
- (e) The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition of operation.

(f) The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.

(g) The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of business.

~~(6) Exemption. An exemption shall be granted for the permit fee if the transient merchant activity is held in conjunction with a special event for which the sponsoring organization has already secured a special event permit from the City. (Ord 295, 1999; amended by Ord 338, 2003.)~~

5.24.120 Conditions of Permit. Conditions of operation that are necessary to protect the public health, safety, morals and general welfare may be imposed on a permit. A permit also shall be subject to the following conditions:

- (1) The permit shall be valid for the period indicated.
- (2) The permit is not transferable.
- (3) Conduct of the permittee's business operations shall conform with statements made in the application and with any special conditions of operation imposed on the permit. The permittee shall carry and conspicuously display the permit during all hours of business operation.
- (4) The permittee shall abide by all applicable city, state and federal laws, rules and regulations. (Ord 295, 1999.)

5.24.124 Criteria for Conduct of Business. All permitted transient merchants activities shall comply with the following criteria:

(1) To ensure proper infrastructure exists for merchant activity, Transient Merchants shall locate on property with the following:

- (a) Curb, gutter, sidewalks**
- (b) n street parking**
- (c) Active water, sewer, and electricity service**
- (d) n-site access to permanent restrooms. ~~Temporary restrooms are allowed for events with 10 or more Transient Merchants.~~**

(2) Americans with isabilities Act (A A) accessible pathway to dining and or service area.

(3) Compliance with Sisters/Camp Sherman Fire District codes and recommendations.

~~(1)~~ **(4)** all sales shall be conducted outside of the public right of way, including the sidewalks, and shall not cause the flow of pedestrian traffic to become obstructed.

~~(2)~~ **(5)** All signage and display of merchandise shall comply with the requirements of the Sisters City Code. **A maximum of two (2) signs on the property are allowed, regardless of the number of Transient Merchants operating from that property. The Transient Merchant may not place signs on property other than that being used by the Transient Merchant.**

~~(3)~~ **(6)** Any time the merchant is conducting business, it shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter resulting from its business that is deposited by any person within 25 feet of the merchant's location.

~~(4)~~ **(7)** No transient merchant shall make any loud or unreasonable noise of any kind by vocalizing or otherwise for the purpose of advertising or attracting attention to the merchant's wares. (Ord 295, 1999.)

5.24.130 Investigation of Complaints. On receiving four signed written complaints from four separate persons against a ~~street vendor~~ **Transient Merchant**, the City ~~Administrator~~ **Manager** or designee will call for a review of the licenses issued. The ~~Administrator~~ **City Manager** may revoke or suspend one or more licenses issued. (Ord 295, 1999.)

~~5.24.135 Door to Door Solicitation. (1) The practice of transient merchants going in and upon private residential property selling merchandise or services shall be subject to the following regulations:~~

- ~~(a) If a residence has a posted sign advising that solicitation is not welcome or is unwanted, solicitation at such residence shall be prohibited.~~
- ~~(b) Solicitation shall only occur between the hours of 10:00 a.m. and 8:00 p.m. There shall be no solicitation allowed on Sundays.~~
- ~~(c) Any individual, business, political, charitable, religious, patriotic, philanthropic group desiring to sell merchandise or services on a door to door basis within the City limits of Sisters shall first obtain a permit from the City as described in Section 5.24.140. (Ord 295, 1999.)~~

~~5.24.140 Permits. The permit application required for door to door solicitation shall be perceived on a form provided by the City Administrator. The following information~~

shall be given on the form:

- (a) ~~Name and purpose of the cause for which the permit is sought and names and addresses of the solicitors.~~
- (b) ~~Name and addresses of the officers and directors of the organizations.~~
- (c) ~~Whether any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.~~
- (d) ~~The period during which solicitation is to be carried on.~~
- (e) ~~The permit shall be renewed annually on a calendar year basis. (Ord- 295, 1999.)~~

5.24.145 Revocation. The license issued may be revoked by the City Administrator ~~Manager~~ or designee at any time for violation of the Sisters City Code, providing false information on its application or for failure to comply with the terms or conditions of the license. Notice of the revocation shall be delivered to the merchant setting forth in writing the grounds for revocation. Upon receipt of the notice, the merchant shall immediately cease operation. (Ord 295, 1999.) *There will be no refund of the license fee.*

~~5.24.14 *xemption. This ordinance shall not apply to the Sisters School istrict or Sisters ark and ecreation istrict provided the activity is conducted on premises owned or leased by the organization, the organization is sponsoring the event, and the event does not utilize public streets or rights of way.*~~

5.24.150 Violations. Violation of any of the provisions of this chapter is a Class A Infraction, and upon conviction may be fined not less than \$300 nor more than \$500 for each violation. The sale of each article by any transient merchant without a license shall be deemed a separate offense under this chapter and a separate violation of this section. (Ord 295, 1999; amended by Ord 338, 2003.)

5.24.155 Appeal. Any transient merchant aggrieved by the denial or revocation of a license or any action taken under this chapter shall have the right to appeal to the Sisters City Council. Such appeal shall be made by filing a written statement with the City Administrator ~~Manager~~ within 5 days of the action complained of, setting forth the grounds for appeal. The Council shall set a time and place for hearing within thirty days of receipt of the statement. Written notice of the hearing shall be sent to the appellant at the address provided on the application. (Ord 295, 1999.)

ORDINANCE NO. XXX

AN ORDINANCE AMENDING SISTERS MUNICIPAL
CODE SECTION 5.06 CONCERNING PUBLIC EVENTS.

5.06.010 Definitions.

(1) "Beer garden" means a temporary outdoor facility located on public property or premises open to the public for dispensing alcoholic beverages in accordance with a Special Beer or Wine License issued by the Oregon Liquor Control Commission. The term does not include a temporary Special Dispenser License issued to a Dispenser by the Oregon Liquor Control Commission for use upon the premises of the licensee.

(2) "Health Department" means Deschutes County Sanitarian.

(3) "Large Public Event" means any organized *assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract of 75 over 100 persons or that involves more than ten (10) Transient Merchants* or more which is held in a City park or on public property to which the general public or private parties are invited.

(4) *"Medium Public Event" is any organized assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract between 25 to 100 persons and involve no Transient Merchants.* which is held in a City park or on public property to which the general public or private parties are invited.

(~~4~~) (5) "OLCC" means Oregon Liquor Control Commission

(~~2~~) (6) "Parade" means a procession of persons using the public right-of-way and requiring closure or blocking of street right-of-way, with the exception of funeral processions.

(~~3~~) (7) "Physical Facility" means any physical structure or structures or objects that are designed, built, erected, or provided to accommodate or facilitate the public assembly of citizens including but not limited to the use of tents, stages, booths, electrical sound or video equipment, portable or temporary buildings or other structures, permanent buildings, vehicles, fences, barriers, ropes, or other structures, etc.

(4) (8) "Police Representative" means and refers to the Deschutes County Sheriff's Department representative for the City of Sisters, or his duly authorized deputies and representatives.

~~(9) "Public Event on Private Property" is a public event in the Downtown Commercial District.~~

~~(10) "Public Event on Public Property" is an assembly or gathering of persons for entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization other than the City on public property.~~

~~(5) (11) "Public property" means and refers to property owned by or under the control of a public body the City of Sisters, including City parks, streets, and public right of way or the Sisters School District, excluding Barclay Park.~~

~~(6) (12) "Small Public Event" means any organized assembly, gathering or event (including but not limited to entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person or organization) that is anticipated to involve or attract of 30 to 74 up to 24 persons, involves any commercial activity, and and involve no Transient Merchants which is held in a City park or on public property to which the general public or private parties are invited. (Ord 306, 2000)~~

~~(13) "Transient Merchant" has the same definition as in Sisters Code Section 5.24.110. is a person or business who either carries goods, wares or merchandise from area to area (or City to City), selling or offering the same for retail sale; or who offers goods, wares, or merchandise or services from a vehicle, trailer or cart, temporary apparatus or temporary location, without making the business permanent and continuous in the City.~~

5.06.020 Permit Required.

(1) It shall be unlawful for any person, persons, corporation, or organization to allow, promote, conduct or cause to be advertised, any public event defined in this Ordinance to be conducted in a City park or on public property, ~~or on private property within the Downtown Commercial District~~ to which the general public or private parties are invited unless the person, persons, corporation, or organization sponsoring said public event shall first obtain a permit as provided, and shall comply with all regulations provided in this Ordinance.

(2) Written application for each public event permit shall be made to the City Administrator ~~Manager or designee~~ or authorized representative for the City of Sisters pursuant to the application procedure applicable to the specific event. The permit shall be signed by the person or persons organizing and sponsoring said public event. Each application shall state the proposed location to be utilized for the public event and shall also state that the

applicant or applicants **and participating Transient Merchants** will abide by all rules and regulations of this code section and other regulations and laws for the protection of the health, morals, peace, and safety of the persons employed therein, the patrons or participants thereof, and the public, and shall make any repairs or cleaning following the event to return the property to its pre-event condition. ~~Written permission of the property owner for the proposed use shall be required for public events on private property.~~ The City, in its sole discretion, may designate a different location for the ~~an~~ event, hours for the event, the size of the event, or make any other changes that it deems would be in the best interest of the City ~~on public property~~. No permit shall be transferable or assignable. Permit fees for public events shall be paid for, in full, at the time the permit is applied for. The fees shall be set by Resolution by the City Council for the City of Sisters.

(3) Public events *other than the city-wide event* are not allowed during the following city-wide events: Sisters Rodeo, Quilt Show, Folk Festival, or the Sisters Harvest Faire.

~~(3) A Public Event on Private Property is limited to a three (3) consecutive day period, six (6) times per calendar year on the same property.~~

(1) (4) Permit applications shall be taken no earlier than January 1 or the year in which the public event is scheduled to occur. In the event a conflict occurs between applications, first consideration will be given to the event which used the City park or public property the immediate preceding year. Prior event applicants shall have until March 1 to re-apply. In the event no application is filed by March 1 by the prior event applicant, the new event applicant shall have priority for that and subsequent years. (Ord 306, 2000, amended by Ord 354, 2005)

5.06.030 Small **and Medium** Public Event Application Procedure. Written application for each Small **or Medium** Public Event permit shall be made to the City of Sisters ten (10) working days prior to the first day of use. The permit shall be on the form furnished by the City and shall be signed by the person or persons organizing and sponsoring the assembly. Each application shall state the proposed location to be used for the assembly, the number of persons reasonably anticipated to attend, the number of transient merchants, and that the applicant will abide by all **municipal code provisions**, rules and regulations ~~contained in this Ordinance which are applicable to Small **and Medium** Public Events~~ and any other state **or federal** laws and regulations which may be applicable. The applicant may also be subject to certain regulations pertaining to Large Public Events as further defined in this Ordinance if, upon determination by the City ~~Administrator~~ **Manager or designee** ~~or the properly designated City official~~, said regulation shall apply to the applicant's permit based upon the circumstances. (Ord 306, 2000)

5.06.040 Large Public Event Application Procedure.

(1) An applicant must pick up an application for Large Public Event permits from City

~~Administrator~~ **Manager, or authorized representative** and receive written instructions as to departments or agencies applicant will need to contact prior to submitting a completed application.

(2) An applicant must submit the completed application to the City, ~~or authorized representative~~ thirty (30) days prior to the public event. An applicant must obtain written approval from all appropriate agencies or departments that satisfactory arrangements have been made by applicant to comply with the conditions in this section. No application shall be accepted and no permit shall be issued unless the applicant has received approval from the respective agencies or departments.

(3) The permit shall be on the form furnished by the City and shall be signed by the person or persons organizing and sponsoring the assembly. Each application shall state the proposed location to be used for the assembly, the number of persons reasonably anticipated to attend, **the number of Transient Merchants**, and that the applicant will abide by all **municipal code provisions**, rules and regulations contained in this Ordinance which are applicable to Large Public Events and any other state **or federal** laws and regulations which may be applicable. (Ord 306, 2000)

5.06.045 Denial. The City ~~Administrator~~ **Manager** may deny an application if the applicant fails to provide any required information, approvals, insurance, deposit or other requirement of this ordinance; if there is already another event scheduled for the same time (including time for clean-up post-event) such that the events would conflict; or if the applicant has previously failed to comply with code provisions applicable to public events. (Ord 306, 2000)

5.06.050 Physical Facility. When any type of physical facility for either a ~~Large or Small~~ Public Event is required as defined in Section 5.06.010(7) of this Code, such facility must be approved by the City ~~Administrator~~ **Manager or designee or authorized representative**. Preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All physical facilities shall be inspected by the appropriate departments or agencies prior to the start of the public event. Should the actual physical facility fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn, and all permits granted subject to such approval shall be withdrawn. **Physical Facilities will be removed at the end of each event.** If permit is rejected, no refund will be made. (Ord 306, 2000)

~~5.06.053 Underlying Zoning District. Public Events within 100 ft. of Cascade Avenue between Pine and Locust Streets shall follow regulations of the underlying zoning district. Public Events at City parks are excluded.~~

5.06.055 Americans with Disabilities Act. Events which are open to the public shall have temporary venues, related structures, and outdoor sites accessible to all disabled

persons. If an area is not accessible, an alternate area shall be provided with the same activities that are in the inaccessible area. However, these activities shall not be offered only to patrons with disabilities.

5.06.060 Sanitary Facilities. The Deschutes County Sanitarian shall review and approve the proposed sanitation and related facilities to ensure that reasonable minimum standards of the appropriate health department will be met by the applicant. In this regard, the applicant must provide all necessary detailed information to satisfy the appropriate agencies or departments. (Ord 306, 2000)

5.06.070 Fire Protection Standards. No permit for a Large Public Event shall be granted hereunder unless the Sisters-Camp Sherman Rural Fire Protection District officer has approved the site and equipment. (Ord 306, 2000)

5.06.080 Medical Services. The Sisters-Camp Sherman Rural Fire Protection District, or its authorized representative, may be required to pre-approve the planned medical services for the public event. (Ord 306, 2000)

5.06.090 Public Safety.

(1) The applicant for a Large Public Event must submit the plans for public safety at the Large Public Event to the Police Representative for their approval. Adequate traffic control and crowd protection personnel must have been contracted for or otherwise provided by the applicant. The Police Representative shall determine the number of traffic control and crowd control personnel reasonably necessary to protect the health, peace and safety of the public and shall notify the applicant of his determination. The applicant shall furnish such traffic control and crowd control personnel as are determined necessary by the Police Representative. The applicant shall submit the names and address information for all traffic control and crowd control personnel to the Police Representative for his investigation. The applicant may also be required to provide background information on all crowd control and traffic control personnel if required to do so by the Chief of Police. All such personnel must meet the following minimum standards in order to be approved as suitable by the Police Representative:

- (a) Be 21 through 65 years of age;
- (b) Be in good physical health;
- (c) Never have been convicted of a felony, or never convicted of a misdemeanor involving moral turpitude;
- (d) Either have received reasonable minimum training in law enforcement or have on the job experience in law enforcement.

(e) All of said traffic control or crowd control personnel must wear an appropriate identifying uniform and must be on duty during the entire public event unless a relief schedule has been planned and approved. A relief schedule will be approved by the Police Representative only when sufficient personnel strength on duty has been maintained to meet the above described minimum strength standards. It shall be the duty of said traffic control or crowd control personnel to report any violations of the law to the Police Representative, his officers or representatives, and to take whatever action that can be reasonably expected of them to enforce the law.

(f) The Police Representative, upon good cause shown, may waive or modify any of the requirements of this section.(Ord 306, 2000)

5.06.100 Parking Facilities. ~~Public Events shall locate on property with on street parking available.~~ The City Administrator ~~Manager or designee, or authorized representative~~ must pre-approve public event parking arrangements when deemed necessary. If buses are used to transport the public to said event, the applicant must have bus parking area approved by the City of Sisters. (Ord 306, 2000)

5.06.105 Whychus Creek Setback. *Transient Merchants at Creekside Park are required to have a fifteen (15) foot setback from Whychus Creek, thirty (30) foot setback for fuel powered equipment.*

5.06.110 Liability Insurance. Permit applicants shall be required to furnish evidence of liability insurance which covers the public event providing for a minimum of \$100,000 bodily injury coverage per person with a total aggregate policy of \$500,000 coverage per occurrence, and \$5,000 property damage coverage. The policy shall name the City of Sisters as an additional insured. (Ord 306, 2000)

5.06.115 Deposits. In the event that the applicant has previously violated any provision of the Sisters Code or state statutes in the conduct of a prior event, the City may require a cash deposit of \$10,000 be posted. (Ord 306, 2000)

5.06.120 Disputes. When a dispute arises between the parties as to the number of persons anticipated to attend the public event, the decision of the City Administrator ~~Manager or designee, or authorized representative of the City of Sisters~~ shall be final and controlling. (Ord 306, 2000)

5.06.130 Inspection. The City Administrator ~~Manager or designee, or authorized representatives,~~ shall have the right to go upon the premises or facilities for which the permit has been granted for the purpose of inspection and enforcement of this ordinance and the laws of this city and state. (Ord 306, 2000)

5.06.140 Hours of Operation. Hours of operation of a public event to be conducted in a

city park or upon public property, ~~or a public event on private property~~ shall be approved at the time the permit is issued. Approval of hours of operation by the City ~~Administrator~~ **Manager** ~~or designee, or authorized representative~~ shall supersede all other ordinances. (Ord 306, 2000)

5.06.145 Clean-Up of **Public** Facilities. Within 48 hours after conclusion of the event, the **public** property shall be completely cleaned and repaired, including repair or replacement of grass, trees or shrubs damaged by event, removal of all debris, removal of any signs, posters, graffiti or other markings. If the premises are not cleaned within the 48 hours, the applicant shall pay an additional fee of \$100 per day until the premises are cleaned. The City shall have the right to undertake the cleaning and the applicant shall be responsible for the actual cost plus any accrued fees under this section. (Ord 306, 2000)

5.06.150 Intoxicating Liquor and Controlled Substances. No persons, corporations or organization sponsoring a public event, nor any person having control thereof, shall permit any person to bring into said public event, or upon the premises thereof, any intoxicating liquor nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor unless specifically allowed in the public event permit and OLCC permit. No person shall use, possess, or manufacture controlled substances within City parks or public property pursuant to ORS Chapter 475. (Ord 306, 2000)

5.06.160 Revocation of Permit. If any public event as prescribed in this ordinance is not being operated in accordance with the rules and regulations set forth herein, the City of Sisters shall have the right to revoke the permit, and the applicant or other responsible individual shall be subject to such other punishment as the law and this ordinance provides. Failure to comply with the terms and conditions of this ordinance shall constitute a public nuisance and the applicant shall be subject to all criminal, civil and equitable remedies as are available to the City. (Ord 306, 2000)

5.06.170 Exemption. This ordinance shall not apply to activity conducted on Sisters School District property where the Sisters School District is the sponsoring organization and is conducting the event. Further, the City ~~Administrator~~ **Manager**, ~~or authorized representative~~ shall be authorized to waive the permit requirement for certain limited events in which no significant public health, safety or welfare issues are involved and when no police service or other city services are determined to be necessary (such as family gatherings and weddings). ~~These events may include, but are not limited to: family picnics, weddings, and retail parking lot sales.~~ All such public events must, however, comply with park rules and ordinances if the public event is being held in a public park. (Ord 306, 2000)

5.06.175 Appeal. The decision of the City ~~Administrator~~ **Manager** may be appealed to the City Council for review. (Ord 306, 2000)

5.06.180 Offenses. Unless specifically authorized under the applicant's permit, no person, persons, corporation, or organization sponsoring a public event shall violate any law or regulation provided for in the City of Sisters Parks Ordinance or the Municipal Code regarding the regulation and control of public parks and public property or any other municipal, state or federal law. (Ord 306, 2000)

5.06.190 Penalties. Any person who shall violate or fail to comply with any provision of this ordinance or who, having obtained a permit hereunder willfully fails to continue to comply with the terms and conditions thereunder, or who shall counsel, aid, or abet such violation or failure to comply, shall be punished, upon conviction, by imprisonment for not more than 30 days, or by a fine of not more than \$1,000, or by both. Each separate day that a person violates the provisions of this ordinance shall be considered a separate offense. (Amended by Ord 306, 2000.)

Proposal for Modifications to Sisters Business License Code

Submitted by Councilor David A. Asson, September 2015

Guiding Principles

- The City of Sisters has developed a distinct, recognizable ambiance through years of effort. The resounding success and appreciation of the recent Cascade Street/Hwy 20 improvement solidified this characteristic as *an essential element* that our City must preserve and enhance.
- Describing this unique quality, so easily recognized by residents and visitors, is a practical impossibility. An 1880s theme is frequently used to identify the factor but attempts to record a worthy definition of the term or enforce its adherence have proved ineffectual. It is a useful guideline but cannot serve as a predominate descriptor in our code. Never-the-less:
 - *Preserving and enhancing our first impression ambiance shall be considered the primary factor in setting new licensing standards.*
- The current licensing code for businesses operating year around is considered appropriate.
- Sisters code regulating temporary and transient business merchants needs to be simplified and consolidated. The city must recognize that elements of the current code were designed to control activity and protect chosen interests by ineffective means. This must be corrected. Past attempts to refine part time licensing policy failed due primarily to three factors:
 - (1) Attempting to designate or limit zones or areas on public or private property where non year round businesses may market their wares,
 - (2) Setting time limits to control how many or how long vendors may operate and
 - (3) Attempting to prescribe and enforce an ambiguous 1880s theme and sign code.
- These attempts have been controversial, complicate administration and likely violate rights.
- Most observers believe temporary and transient merchants offer valuable services and should be permitted to operate in a competitive manner while protecting year round vendors from opportunistic encroachment. Therefore:
 - *Respecting the overall economic and cultural contribution made by year round business operators while not violating the rights of temporary or transient merchants is a critical secondary requirement.*

City Council Directive - I hereby propose that Council direct staff and legal counsel to draft a simplified business licensing code that:

1. Uses the two guiding principles stated above in bold print as the foundation for the new code.
2. Contemplates three business license formats:
 - (1) An annual license for full time businesses;
 - (2) A combined short term license covering temporary and transient type vendors; and
 - (3) A public events license
3. Differentiates the two current short term licenses solely by the time allowed by each permit
4. Controls how many may participate in any venue by a standard other than simple head count.
5. Makes the 1880s theme a strongly encouraged but voluntary condition for all applications.
6. Allows all licensees to participate during city wide events subject to the same regulations.
7. Uses a market value rate schedule to charge *short term* licensees an application fee sufficient to recover city servicing costs plus a daily fee to respect competition. A properly designed impact rating schedule will moderate applicant participation by the force of economic merit.

Special Considerations and Comments

- Barclay Park, due to its size and location, may be specifically excluded from use by all applicants or permitted on an exception basis with direct approval of the city manager.
- Adopting a combined structure for short term applicants eliminates duplicative phrasing to significantly shorten the licensing code. Much of the present text is identical for temporary and transient licensing. Making the primary difference between them one of the operating time allowed will simplify supervision of both seasonal and weekend applications.
- Making the 1880s theme voluntary will not diminish its relevance. Applicants will be instructed by licensing staff that the theme is a serious component of Sisters allure. A professionally prepared handout will explain our heritage and show examples of desired motifs. Vendor ingenuity can be expected to provide a more desirable appearance of their booths and signage than any regulation we may compose.
- I make no proposed changes to the public events code as part of this presentation.
- A partial modification of the latest proposed ordinance is presented below as an example of how the existing code may be combined and modified. The example includes both temporary and transient licensing in the same ordinance. Only part of the required changes and provisions are presented. Staff and counsel are responsible to sprinkle in all required verbosity. Suggested ~~eliminations~~ and additions are show in red.

ORDINANCE NO. XXX
AN ORDINANCE AMENDING SISTERS MUNICIPAL CODE SECTION 5.04 CONCERNING
BUSINESS LICENSES.

5.04.010 Purpose. In order that business, ~~manufacturing pursuits,~~ trades, professions and callings may be carried on and conducted in the city in a, safe, ~~and~~ peaceful, and competitive manner, ~~it is necessary that the same be licensed and regulated and safeguarded~~ and that the city may provide police and fire protection, street maintenance, street lighting and other services, it is necessary that same be licensed and regulated to ~~that license fees in such regulation defray the such costs of such police and fire protection and costs of other necessary and vital municipal services.~~ while also providing a fair and competitive business atmosphere for all participants. (Ord. 72A Sec. 1, 1974.)

5.04.015 Definitions.

(1) Annual Business. *Conducting or operating a business as defined in section 5.04.015(1)(a) with the intent to make the business continuous and permanent and ~~must be in operation from a location that the business has at least a one year lease or such other proof satisfactory to the City that the intent is to make the business continuous and permanent.~~*

(2) Business, trade, profession or calling.

(a) *The sale of goods, wares or merchandise; or the rendering or offering to render any and all types of services; professional or otherwise, to the public generally; or the engaging in the manufacturing, distribution or leasing of goods, wares, or merchandise; or the renting of apartments, hotel rooms, vacation rental or house, motor courts, trailer camps or cabins; or the engaging in all types of mercantile, commercial contracting, industrial, manufacturing or construction occupations, carried on for profit (whether or not a profit is actually made) or not for profit. The activity may be from or involving a business or other address within the city (including the location of rental property), or any portion of the consideration may be exchanged or received within the City. Business, trade, profession or calling shall not include ordinary labor for hire;*

(b) *Any person, firm, company or corporation who engages in construction activities of all types within the city as a general contractor and maintains a permanent place of business out of the city.*

(3) Door to Door solicitation. *Any person, firm, company or corporation who carries goods, wares or merchandise, or offers services, from place to place, or from house to house, selling or offering the same for sale.*

(4) Temporary Business. *Conducting or operating a business as defined in section 5.04.015(1)(a) for a ~~minimum of four (4) and a maximum of twenty-five (25) days within a calendar year. The Temporary Business license days must be consecutive and includes days the business may be closed.~~*

Note: Add a transient merchant definition here to accommodate the combined temporary and transient Code section.

(5) ~~5.24.110 Definition.~~ A Transient Merchant is a person or business who either carries goods, wares, or merchandise from area to area (or City to City), selling or offering the same for retail sale; or who offers goods, wares, merchandise or services from a vehicle, trailer or cart, temporary apparatus, or temporary location, or door to door, without making the business permanent and continuous in the City. (Ord 295, 1999.)

5.04.020 License -- Required.

(1) It is unlawful for any person, firm, company or corporation to engage in or carry on any business, trade, profession or calling, as defined in this code section, for the transaction or carrying on of which a license is or shall be required in this ~~chapter~~ **code section** without first ~~taking out or procuring~~ **obtaining** the **business** license required for such business, trade, profession or calling. No business license shall be issued to engage in a business that does not comply with local, state or federal law.

~~(2) "Business, trade, profession or calling," for the purpose of this section, shall be defined as:~~

~~(a) The sale of goods, wares or merchandise; or the rendering or offering to render any and all types of services; professional or otherwise, to the public generally; etc.~~

~~(b) Any person, firm, company or corporation who carries goods, wares or merchandise from place to place, or from house to house, selling or offering the same etc.~~

~~(c) One who brings a stock of goods, wares, merchandise, or musical instruments into the city, and who sells or offers to sell the same at retail without making the same a permanent and continuous business within the city, etc.~~

~~(d) Any person, firm, company or corporation who engages in construction activities of all types within the city as a general contractor and maintains a permanent place of business out of the city. (Ord. 72A Sec. 2, 1974; Ord. 148 Sec. 1, 1981)~~

5.04.022 Temporary and Transient Businesses. Temporary and Transient Businesses shall comply with the following criteria:

(1) ~~The~~ Temporary and transient businesses shall be consistent with the underlying zoning district including and strongly encouraged to adopt a western frontier architecture design theme to preserve and enhance the first impression ambiance of Sisters in the Highway Commercial and Downtown Commercial zones.

(2) ~~The~~ Temporary and Transient businesses shall comply with all provisions of City Code

(3) To ensure proper infrastructure exists for business activity, Temporary and Transient Businesses are allowed on property with the following:

(a) Curb, gutter, sidewalks

(b) On street parking

(c) Active water, sewer, and electricity service

(d) Access to on-site permanent restrooms

(4) Lease or rental agreement to establish duration of the license. And so on