

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 5.04 Business Licenses
- 5.06 Regulation of Public Events
- 5.08 Circuses and Carnivals
- 5.12 Pool, Billiard, and Card Tables
- 5.16 Public Dances
- 5.20 Mechanical Amusement Machines (repealed)
- 5.24 Transient Merchants
- 5.30 Street Vendors  
(Repealed by Ord 295, 1999)
- 5.35 Taxi and Public Conveyances

Chapter 5.04

BUSINESS LICENSES

Sections:

- 5.04.010 Purpose.
- 5.04.020 License -- Required.
- 5.04.025 Two or more business premises -- Two or more businesses on same premises.
- 5.04.030 License -- Application -- Fee -- Issuance.
- 5.04.040 License -- Nontransferability.
- 5.04.050 License -- Fee.
- 5.04.060 License -- Expiration -- Collection of Fee.
- 5.04.070 License -- Contents -- Display.
- 5.04.080 Evidence of liability.
- 5.04.090 Deposit of license fees in general fund.
- 5.04.100 Examination of licensed premises by city officials.
- 5.04.110 City's right to increase, decrease, or reclassify license.
- 5.04.120 License tax to be in addition to general ad valorem tax.
- 5.04.130 Violation -- Penalty.
- 5.04.140 Additional remedies.

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 profitable, 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 ?1, 1974.)

5.04.020 License -- Required.

(1) It is unlawful for any person, firm, company or corporation to engage in or carry on for gain any business, trade, profession or calling, as defined in this section, for the transaction or carrying on of which a license is or shall be required in this chapter without first taking out or procuring the license required for such business, trade, profession or calling.

(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, 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 from a business firm 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 ?2, 1974; Ord. 148 ?1, 1981)

5.04.025 Two or more business premises; Two or more businesses on same premises. 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 ?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, and upon approval of the application by the common council, the city recorder shall issue a license to the person, firm, company, or corporation applying therefor, according to the provisions of this chapter. (Ord. 72A ?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 such license granted or issued under any of the provisions of this chapter, or otherwise, 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 ?4, 1974.)

5.04.050 License -- Fee. Every person, firm, company, or corporation, before engaging in or pursuing any business, trade, profession, vocation, or calling, shall obtain a license to do so, as provided in this chapter, and make yearly payment to the city recorder for license fee in such amount or amounts to be determined from time to time by resolution of the common council. (Ord. 72A ?6, 1974.)

5.04.060 License -- Expiration -- Collection of Fee. All licenses issued as provided in this chapter 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 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 on all licenses issued between October 1st and December 31; one-half (1/2) of the license fee shall be collected on all licenses issued between January 1st and March 31st; one-fourth (1/4) of the license fee shall be collected on all licenses issued between April 1st and June 30th of each year. (Ord. 72A ?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 ?8, 1974, amended by Ord. 148 ?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 ?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 ?11, 1974.)

5.04.100 Examination of licensed premises by city officials. The city chief of police, 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. 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 ?13 1974.)

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 ?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 ?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 therefor, 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 ?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. (Ord. 72A ?16, 1974.)

Chapter 5.06

REGULATION OF PUBLIC EVENTS

Sections:

5.06.010	Definitions.
5.06.020	Permit required.
5.06.030	Small public event application procedure.
5.06.040	Large public event application procedure.
5.06.045	Denial
5.06.050	Physical facility.
5.06.060	Sanitary facilities.
5.06.070	Fire protection standards.
5.06.080	Medical services.
5.06.090	Public Safety.
5.06.100	Parking facilities.
5.06.110	Liability insurance.
5.06/115	Deposits
5.06.120	Disputes.
5.06.130	Inspection.
5.06.140	Hours of operation.
5.06.145	Clean-up.
5.06.150	Intoxicating liquor -- controlled substances.
5.06.160	Revocation of permit.
5.06.170	Exemption.
5.06.175	Appeal.
5.06.180	Offenses.
5.06.190	Penalties.

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 gathering of 75 persons or more which is held in a City park or on public property to which the general public or private parties are invited.

(4) "OLCC" means Oregon Liquor Control Commission.

(5) "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.

(6) "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.

(7) "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.

(8) "Public property" means and refers to property owned by or under the control of a public body.

(9) "Small Public Event" means any organized gathering of 30 to 74 persons which is held in a City park or on public property to which the general public or private parties are invited. (Ord 306, 2000)

#### 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 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, 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 will abide by all rules and regulations of this ordinance 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. The City, in its sole discretion, may designate a different location for the event. 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) 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 Public Event Application Procedure. Written application for each Small 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, and that the applicant will abide by all rules and regulations contained in this Ordinance which are applicable to Small Public Events and any other state 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 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, 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, and that the applicant will abide by all rules and regulations contained in this Ordinance which are applicable to Large Public Events and any other state laws and regulations which may be applicable. (Ord 306, 2000)

5.06.045 Denial. The City Administrator 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 1 (6) of this Ordinance, such facility must be approved by the City Administrator, 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. If permit is rejected, no refund will be made. (Ord 306, 2000)

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 his plans for public safety at the Large Public Event to the Police Representative for his 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. The City Administrator, 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)

5.06.110 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. Said 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, or authorized representative of the City of Sisters shall be final and controlling. (Ord 306, 2000)

5.06.130 Inspection. The City Administrator, 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 shall be approved at the time the permit is issued. Approval of hours of operation by the City Administrator, or authorized representative shall supersede all other ordinances. (Ord 306, 2000)

5.06.145 Clean-Up of Facilities. Within 48 hours after conclusion of the event, the 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 any regularly organized and supervised school district activity or program of the city or to athletic contests organized by the city which do not utilize public streets and rights-of-way. Further, the City Administrator, 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. 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 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 wilfully 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.)

## Chapter 5.08

### CIRCUSES AND CARNIVALS

#### Sections:

- 5.08.010 License -- Required.
- 5.08.020 License -- Application -- Issuance.
- 5.08.030 License fees -- Designated -- Waiver.
- 5.08.040 Cleanup deposit.
- 5.08.050 Violation -- Penalty.

5.08.010 License -- Required. It is unlawful for any person to give or conduct any circus, carnival, or show under canvas or in any open space or area within the city limits where the patronage of the public is solicited, and an admission fee charged and collected, without first having obtained a license to do so. (Ord. 55 ?1, 1957.)

5.08.020 License -- Application -- Issuance. The application for the license provided for in this chapter shall be made in writing to the city recorder and the issuance thereof shall be in the discretion of the city recorder with a right of appeal to the common council. (Ord. 55 ?2, 1957.)

#### 5.08.030 License fees -- Designated -- Waiver.

(1) The fee for licenses provided by this chapter shall be as follows:

- (a) Carnivals, per day, one hundred dollars (\$100);
- (b) Circuses, each performance, one hundred dollars (\$100);
- (c) Rodeos, one hundred dollars (\$100);
- (d) Small shows, per day, five dollars (\$5).

(2) Upon application to the council and for good cause shown in support of the application, the council shall have the right to waive the collection of all or a part of the license fee established in subsection A of this section. (Ord. 55 ?3, 6, 1957.)

5.08.040 Cleanup deposit. Each licensee, at the time of the issuance of said license, shall pay to the city the sum of fifty dollars (\$50) as a deposit on cleanup expense. Upon the closing of the show, if the licensee satisfactorily cleans the area occupied by the show, the deposit shall be refunded to the licensee; if a cleanup job satisfactory to the city is not performed by the licensee, the deposit shall be retained by the city to be applied upon the expense of cleanup. (Ord. 55 ?4, 1957.)

5.08.050 Violation -- Penalty. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars (\$200), or by imprisonment in jail for a period not exceeding ninety (90) days or by both such fine and imprisonment. (Ord. 55 ?5, 1957.)

## Chapter 5.12

### POOL, BILLIARD, AND CARD TABLES

#### Sections:

- 5.12.010 Pool and billiard tables -- License fee.
- 5.12.020 Card table -- License fee.
- 5.12.030 Payment of license fees required.
- 5.12.040 Violation -- Penalty.

5.12.010 Pool and billiard tables -- License fee. For the issuance of a license for the ownership, operation, maintenance and/or control of any pool table, billiard tables, operated for profit, the license fee shall be ten dollars (\$10) per year for the first such table and five dollars (\$5) each per year for all other tables, payable in advance. (Ord. 13 ?1, 1946.)

5.12.020 Card table -- License fee. For the issuance of a license for the ownership, operation, maintenance and/or control of any card table or place where cards are played, the license fee for each card table operated for profit shall be nine dollars (\$9) per month payable in advance. (Ord. 13 ?2, 1946.)

5.12.030 Payment of license fees required. It is unlawful for any person, firm, co-partnership or corporation to operate, maintain, or control any pool table and/or billiard table for profit, or to operate, maintain and/or control any card table operated for profit where the same may be used by the public without having paid the license fee as required in this chapter. (Ord. 13 ?3, 1946.)

5.12.040 Violation -- Penalty. Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars (\$100). (Ord. 13 ?4, 1946.)

Chapter 5.16

PUBLIC DANCES

Sections:

- 5.16.010 Payment of license fee required.
- 5.16.020 Application for license -- Filing -- Approval or denial -- Fee designated.
- 5.16.030 Violation -- Penalty.

5.16.010 Payment of license fee required. It is unlawful for any person, firm, co-partnership, or corporation within the city to conduct, carry on, or maintain public dances without first paying in advance a license fee therefor in the manner as set forth in this chapter. (Ord. 42 ?1, 1953.)

5.16.020 Application for license -- Filing -- Approval or denial -- Fee designated. Any person desiring to obtain a license to conduct, carry on or maintain a public dance shall make written application for a license to do so and file the same with the city recorder who shall thereupon act upon such application and approve the same and issue a license or, in his sound discretion, deny the application and refund the deposit. The application shall be accompanied by a deposit of fifteen dollars (\$15) which is declared to be the license fee for each public dance. (Ord. 42 ?2, 1953.)

5.16.030 Violation -- Penalty. Any person violating any provision of this chapter, upon conviction thereof, shall be fined not exceeding one hundred dollars (\$100). (Ord. 42 ?3, 1953.)

Chapter 5.20

MECHANICAL AMUSEMENT MACHINES<sup>1</sup>

Sections:

- 5.20.010 Payment of license fee required by operators.  
(Repealed by Ordinance No. 262, 1993)
- 5.20.020 Games of skill, marble, pinball or mechanically operated games -- License fee designated.  
(Repealed by Ordinance No. 262, 1993)
- 5.20.030 Musical instruments -- Defined -- License fee designated.  
(Repealed by Ordinance No. 262, 1993)
- 5.20.040 Maintenance of games prohibited without payment of fee.  
(Repealed by Ordinance No. 262, 1993)
- 5.20.050 Violation -- Penalty.  
(Repealed by Ordinance No. 262, 1993)

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<sup>1</sup>For statutory provisions regarding taxes on music and amusement devices, see ORS Ch. 320.

## Chapter 5.24

### TRANSIENT MERCHANTS

#### Sections:

5.24.110	Definitions.
5.24.115	License -- Required.
5.24.120	Conditions of Permit.
5.24.125	Criteria for Conduct of Business.
5.24.130	Investigation of Complaints.
5.24.135	Door to Door Solicitation.
5.24.140	Permits.
5.24.145	Revocation.
5.24.150	Violations.
5.24.155	Appeal

**5.24.110 Definition.** Transient merchant is a person 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, 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 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. Application for a license shall be made to the City Administrator 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) Upon receipt of the completed application and payment of the license fee the City Administrator or designee shall issue the license, subject to any conditions necessary to protect the health, peace and safety of the residents of Sisters.

(4) 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.

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

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

(5) 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.

(4) The permittee shall carry and conspicuously display the permit during all hours of business operation.

(5) The permittee shall abide by all applicable city, state and federal laws, rules and regulations. (Ord 295, 1999.)

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

(1) In all Commercial Zones, 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) All signage and display of merchandise shall comply with the requirements of the Sisters City Code.

(3) 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) 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, the City Administrator or designee will call for a review of the licenses issued. The Administrator 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, or

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.**

(1) The license issued may be revoked by the City Administrator 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.)

**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 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.)



## Chapter 5.35

### TAXI AND PUBLIC CONVEYANCE REGULATION AND LICENSING

#### Sections:

5.35.010	Definition.
5.35.020	License Required.
5.35.030	Application.
5.35.040	Fees.
5.35.050	Liability Insurance.
5.35.060	Marking Vehicles.
5.35.070	Rates and Meters
5.35.080	Drivers' Permits
5.35.100	Application
5.35.110	Identification Card.
5.35.120	Applicants for Driver's Permits to Furnish Fingerprints.
5.35.130	Temporary Suspension.
5.35.140	Appeal of Suspension.

5.35.010 Definition. For the purposes of sections 5.35.010 to 5.35.140, "taxicab" means a motor vehicle including limousines, except motorbuses, used for transporting passengers for hire. Taxicabs used for hire shall be governed by and comply with the provisions of this Act. (Ord. 147? 5, 1981; amended by Ord. 226, 1989)

5.35.020 License Required. No person shall engage in the business of operating taxicabs without a license issued by the City Administrator.

#### 5.35.030 Application.

(1) A person desiring a license for the business of operating taxicabs shall make written application to the City. With the application, the applicant shall present the certificate of title or the registration for the motor vehicle or vehicles. The applicant shall show by affidavit that he/she is the registered or legal owner of the motor vehicle or vehicles, and that, in the event of a change of ownership, possession or control of the motor vehicles or business or in the event that the applicant rents, sublets, leases or otherwise changes the management operation or control of the motor vehicles or business, the applicant shall immediately notify the City Administrator in writing.

(2) The application shall also include the following:

- (a) The factory numbers of all vehicles.
- (b) The state license numbers of all vehicles.
- (c) The trade names of all vehicles.
- (d) A description of the streets where and the hours of the day during which the owner desires to stand the taxicabs.

(e) The name of the owner, officers of the company or other person of authority having the supervision and control of the business and vehicles for which application is made.

5.35.040 Fees. A person engaged in the business of operating taxicabs shall pay an annual fee as may be set by resolution of the council.

5.35.050 Liability Insurance.

(1) The applicant for a license to operate taxicabs shall file with the application an insurance policy issued by an insurance company authorized to transact business in the state in the amount consistent with the tort liability limits of the City.

(2) The insurance shall be issued and applied to each taxicab for which application is being made. A license to operate the taxicabs shall terminate on the cancellation of the insurance, and no permit shall be granted or be effective unless the automobile for which the license is required has been fully covered with insurance as specified in this section.

5.35.060 Marking Vehicles. Each taxicab shall be marked with letters stating the business or trade name in letters of not less than two and one-half inches in height and not less than one-half inch in width.

5.35.070 Rates and Meters.

(1) Except as provided for in subsection (2), all taxicabs shall have meters and/or uniform rates throughout the City and a copy of the rates shall be forwarded to the City Administrator's office.

(2) Businesses providing limousine service will not be required to have meters, but shall file with the City Administrator a copy of their rates.

5.35.080 Drivers' Permits. No person shall drive or operate a taxicab without a permit issued by the City Administrator as provided in sections 5.35.090 to 5.35.120.

5.35.100 Application.

(1) A taxicab driver shall, before beginning his/her duties, apply to the Chief of Police for a permit and shall furnish all information that may be required.

(2) A permit may be denied if the applicant has been convicted of a felony or a misdemeanor involving moral turpitude.

(3) A permit may be denied if the applicant's driving record clearly demonstrates he/she is not qualified to transport the public with sufficient safety.

5.35.110 Identification Card.

(1) Upon approval of a taxicab driver's permit and payment of \$10.00, the City Administrator shall furnish the taxicab driver with an identification card.

(2) The identification card shall have:

(a) A front view picture of the applicant.

(b) The name, weight, height, age, color of hair, color of eyes of the applicant in his/her own handwriting.

(c) The identification card shall not be transferable and shall remain posted in a conspicuous place in the taxicab operated by the driver.

5.35.120 Applicants for Driver's Permits to Furnish Fingerprints. A person applying for a taxicab driver's permit under this Act shall furnish to the Police Department a complete set of fingerprints on each hand.

5.35.130 Temporary Suspension. The Chief of Police may suspend a permit issued to a taxicab driver when there is reasonable grounds to believe that the driver is incompetent or an improper person to operate a taxicab. A driver having his/her permit suspended by the Chief of Police may appeal the suspension within thirty (30) days from the date of suspension of the Sisters City Council.

5.35.140 Appeal of Suspension.

(1) A taxicab driver whose application for a permit is denied pursuant to 5.35.100 or whose permit is suspended by the Chief of Police pursuant to 5.35.130 may, within thirty (30) days after the notice of a denial or suspension of permit, appeal to the City Council.

(2) The appeal shall state:

(a) The name and address of the appellant.

(b) The nature of the determination being appealed.

(c) The reason the determination is incorrect.

(d) What the correct determination of the appeal should be.

(3) An appellant who fails to file the statement within the time permitted waives objections, and the appeal shall be dismissed. The Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal at least fourteen (14) days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final. (Ord. 226, 1989)