

ORDINANCE NO. 848

AN ORDINANCE DEFINING, REGULATING AND LICENSING
TRANSIENT MERCHANTS, ITINERANT MERCHANTS AND
ITINERANT VENDORS: PROVIDING PENALTIES FOR
VIOLATION THEREOF: AND REPEALING ORDINANCE NO. 574
AND ORDINANCE NO. 786; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF PRINEVILLE ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines that it shall be unlawful for a transient merchant, itinerant merchant, or itinerant vendor, as defined in Section 2 of this ordinance, to engage in such business within the City of Prineville, Oregon, without first obtaining a license therefor in compliance with provisions of this ordinance. The City Council also finds and determines that said sales creates special problems of enforcing regulations for the protection of the public health, safety, morals and welfare within the City of Prineville; that the mobility and temporary nature of the businesses affect the enforcement of traffic, sanitation, building and zoning regulations in the City of Prineville; and that such businesses should be licensed, regulated and controlled.

Section 2. Definitions. For the purpose of this ordinance, a transient merchant, itinerant merchant, or itinerant vendor is defined as any person, firm, or corporation, whether it is the owner, agent, consignee, or employees, whether a resident of the City or not, who engages in the temporary business of selling and delivering goods, wares, and merchandise within said City, and who, in furtherance of such purpose hires, leases, uses, or occupies any building structure, parking lot, vacant lot, motor vehicle, tent, street, or alley for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

EXCEPTIONS: The provisions of this ordinance requiring application for license shall not apply to nonprofit organizations where the proceeds of the sale do not inure to the direct benefit of an individual member of the organization; or sales where a contract has been signed by the City and the applicant providing that the proceeds received by the applicant from such business, occupation, or trade will be used to improve a part of the City's public park system. Nor shall it include sale by wholesalers to retailers.

NOTICE OF CLAIMED EXEMPTION: A person or organization claiming an exemption from the provisions of this licensing ordinance shall, prior

to engaging in a temporary business, give notice of the proposed sale to the City Administrator/Recorder of the City of Prineville or, in his absence or in the event the City Administrator/Recorder's office shall be closed, then to the Prineville Police Department at its headquarters. Notice shall state the location of the proposed sale and the basis of the claimed exemption.

Section 3. Application. Applicants for license under this ordinance, whether a person, firm or corporation, shall file a written, sworn application signed by the applicant, if an individual; by all partners of a partnership; and by the President, if a corporation; with the City Administrator/Recorder, showing:

a. The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City of Prineville; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent, or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

b. The place or places in the City of Prineville where it is proposed to carry on the applicant's business and the length of time during which it is proposed that said business shall be conducted; and said applicant shall present written permission from property owner where the temporary business will be located.

c. The last four (4) places, other than the permanent place of business of the applicant, where the applicant has conducted a transient business, stating the nature thereof.

d. A statement of the nature and character (type and whether new or used) of goods, wares or merchandise to be sold by the applicant in the City of Prineville; and whether the above will be sold at auction, by direct sale or by the taking of orders for future delivery.

e. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Administrator/Recorder, copies of all said advertising whether by handbills, circulars, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto. Signs permitted under this ordinance shall be in accordance with the City of Prineville signing ordinance. All signs shall be located on private property. Attachment to power poles, light standards, existing sign poles, or other similar locations is prohibited.

f. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor, or violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

g. Credentials from the person, firm, or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

h. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing such business as the City Administrator/Recorder may deem proper to fulfill the purpose of this ordinance in protection of the public.

The application statement shall be reviewed by the City Administrator/Recorder, Chief of Police and Planning Director to determine whether the proposed business will comply with the zoning, building, sanitation and traffic laws of the City of Prineville, and whether operation of the business will be hazardous or injurious to the public or adjoining property by reason of traffic, or sanitation, and whether or not such business will be unsightly, having reference to the condition and standards of the neighborhood.

If the City Administrator/Recorder, Chief of Police and Planning Director shall not file any objection to the issuance of such license, and if it shall be determined that such business would not be in violation of any of the laws of the City of Prineville, then, after payment of the fees provided herein, the City Administrator/Recorder shall issue a license for such business, stating therein the location or locations of such business and the time during which such business shall be operated. The fees for the license provided herein shall be as follows:

1. Investigation fee - said fee shall be used to offset costs involved in processing the application and conducting necessary investigations and shall be an initial fee of \$40.00, said fee then being valid for a period of six (6) months.
2. Daily fee - said fee shall be used to partially offset costs involving police and fire protection and other miscellaneous services provided by the City and shall be in the amount of \$15.00/day.

For just cause, the City of Prineville reserves the right to revoke said license at any time.

i. There shall be a twenty-four (24) hour waiting period prior to issuance of the license provided herein to allow for proper handling and investigation for said license.

Section 4. In the event that an applicant for a license under this ordinance shall be denied such license by the City Administrator/Recorder or revoked after issuance, the applicant may file notice with the City Administrator/Recorder of intent to appeal to the Council of the City of Prineville; and the Council shall hear and determine such appeal at its next regular council meeting; and the decision of the Council

at such hearing shall be final and conclusive.

Section 5. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding ONE THOUSAND (\$1,000) DOLLARS or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment.


Section 6. Ordinance No. 574 and Ordinance No. 786 are hereby repealed.


Section 7. It is hereby declared to be necessary for the immediate preservation of the peace, health, safety and welfare of the City of Prineville that this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

First Reading: July 14, 1981
Second Reading and Passed: July 28, 1981.

Passed by the Council and endorsed by me this 28th day of July, 1981.

Signed by me on this 28th day of July, 1981.


Henry Hartley
City Administrator/Recorder


David C. Asher
Mayor

CITY OF PRINEVILLE
APPLICATION FOR TRANSIENT VENDOR LICENSE

1. Type of Business:

- Individual
- Partnership
- Corporation

2. Name and Address of above:

Name _____

Address _____
(Street Address)

(Mailing Address)

City _____ State _____ Zip Code _____

3. Address transient business to be located at: _____

4. Last four (4) places transient business located:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

5. Nature and character of business:

Type of Goods (check all applicable)

- New
- Used
- Sold at auction
- Sold by direct sale
- Take orders for future delivery

6. Type of advertising: (check all applicable)

Newspaper

Radio

Handbills

signing (list type signs)

1.

2.

3.

Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceedone ONE THOUSAND (\$1,000) DOLLARS or by imprisonment not exceeding sixty (60) days, or both such fine and imprisonment.

I hereby swear that the above information is true and accurate to the best of my ability.

Signature of Applicant _____

Applicant's Driver's License No. _____

Dated this _____ day of _____, 19____

APPROVALS:

1. Approved by Chief of Police, City of Prineville

Signature of Chief of Police _____

Dated this _____ day of _____, 19____

2. Approved by Planning Director, City of Prineville

Signature of Planning Director _____

Dated this _____ day of _____, 19____

3. Approved by Administrator/Recorder, City of Prineville

Signature of Administrator/Recorder _____

Dated this _____ day of _____, 19____