

ORDINANCE NO. 419

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS,
OREGON, AMENDING MUNICIPAL CODE 6.25 PEDDLERS, SOLICITORS, STREET
VENDOR AND TEMPORARY MERCHANT ORDINANCE**

WHEREAS, the City Council has reviewed the peddlers and solicitors ordinance and the permitting process.

**THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON,
ORDAINS AS FOLLOWS:**

Section 1. The Municipal Code Chapter 6.25 is amended as stated on Exhibit A.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

INTRODUCED on the 18th day of February, 2014, **AND
ADOPTED** this 3rd day of March, 2014.

CITY OF NORTH PLAINS, OREGON

By: 

David Hatcher, Mayor

ATTEST:

By: 

Margaret L. Reh, Deputy City Recorder

Exhibit A
Ordinance No. 419

CHAPTER 6.25
PEDDLERS AND SOLICITORS

Sections:

6.25.010	<u>Purpose</u>
6.25.020	<u>Definitions</u>
6.25.030	<u>Registration Requirements for Peddlers, Solicitors and Street Vendors</u>
6.25.040	<u>Special Standards for Peddlers, Solicitors and Street Vendors</u>
6.25.050	<u>Appeals by Peddlers and Solicitors</u>
6.25.060	<u>Requirements for Temporary Merchants; Term</u>
6.25.070	<u>Exemptions for Temporary Merchants</u>
6.25.080	<u>Special Standards, Application and Fees for Temporary Merchants</u>
6.25.090	<u>Licensing Approval, Authority and Appeals of Temporary Merchants</u>
6.25.100	<u>Penalty</u>

6.25.010 Purpose

This ordinance is enacted to regulate peddlers and solicitors and to authorize the imposition of a fee to help defray the costs to the City for investigating applications, monitoring peddlers and solicitors, street vendors and other temporary merchants, and administering this ordinance. This ordinance applies to business activities that are conducted in areas outside of traditional business locations, such as private lots or public rights-of-way.

6.25.020 Definitions

The following words and phrases, except where the context clearly indicates a different meaning, shall mean:

- A. "Peddler" means a person, or persons traveling from place to place selling and delivering merchandise or services at the same time. The term "peddler" does not include a person who has been specifically invited to a customer's residence or business location, or a non-profit organization as organized under the Internal Revenue Service Code.
- B. "Person or persons" means any natural person and any firm, proprietorship, partnership or corporation.
- C. "Solicitor" means a person, or persons who travel from place to place not carrying goods, but taking orders for future delivery, or soliciting for money or other things of value. The term "solicitor" does not include a person who has been specifically invited to a customer's residence or business location, or a non-profit organization as organized under the Internal Revenue Service Code.

D. "Street vendor" means a person, or persons traveling on public streets, public sidewalks, public property, or private streets, and carrying, conveying or transporting such items as food, beverages, flowers, and balloons, offering and exposing the same for sale by hand or from a mobile type device such as a push cart or van. There are four categories of street vendors:

1. "Stationary street vendor" refers to any street vendor who occupies a specifically permitted area on private property.
2. "Mobile street vendor" refers to any street vendor who does not occupy a specifically permitted area on private property, but instead travels consistently or intermittently throughout the city while offering goods or services for sale, including prepackaged foods.
3. "Stationary Food Cart" refers to any self-contained food vendor who occupies a specifically permitted area on private property and is subject to Washington County, OR regulations regarding temporary restaurants.
4. "Mobile Food Cart" to any street vendor that is parked in the public right-of-way and specialized in selling food items and is subject to Washington County, OR regulations regarding temporary restaurants.
5. "Temporary merchant" means a person, or persons occupying a temporary, fixed location, not within a permanent building, and selling or delivering from stock on hand, doing business in much the same manner as a permanent business.

6.25.030 Registration Requirements for Peddlers, Solicitors, Street Vendors and Temporary Merchants

A. Registration. All peddlers, solicitors, street vendors and temporary merchants shall register individually with the city prior to engaging in any vending activities. The registration shall be filed with the City Recorder on a form supplied by the city. Registrations will be accepted only during normal city business hours. Failure to provide complete and accurate information may result in a violation of this section and immediate revocation and/or denial of registration. Registrants must provide the following information:

1. Personal identification including date of birth, driver's license number and/or other appropriate identification.
2. Copies of any state or county licenses which are required to operate or conduct activities proposed by the registrant.
3. A statement which confirms the registrant has no previous criminal history, including conviction or incarceration for a crime such as theft, burglary, robbery, fraud, deceit, or any other crime of violence, within the ten year period prior to the date of registration.

4. A description of the goods or services offered for sale.
5. If located on private property, the applicant shall obtain a signed, written consent from the owner of the property which authorizes the merchant to conduct business from the property.
6. If located on public property, the temporary merchant shall obtain a signed, written consent authorized by the City Council or other public agency with authority to allow the merchant to conduct business from the publicly owned property. The City is under no obligation to approve any request for such use.

B. Term of Registration.

1. A peddler, solicitor or temporary merchant registration is valid for 30 days, and must be renewed thereafter.
2. The street vendor and food cart registration is valid for a period of twelve months, and must be renewed thereafter.

6.25.040 Special Standards

A. Peddlers and Solicitors. All peddlers and solicitors shall:

1. Limit hours of operation to 9:00 a.m. and 5:00 p.m.
2. Not enter uninvited into a private building, structure or room.
3. Not enter uninvited upon private property that is posted “No Soliciting” or with a similar sign.
4. Within 30 seconds after beginning the conversation with a potential customer:
 - a. Provide identification of both the person and whom the person represents;
 - b. Explain the purpose of the person’s call;
 - c. Provide a description in commonly understood terms of the goods or services offered for sale; and
 - d. Inquire whether the person being solicited is interested in listening to a sales presentation and immediately discontinue the solicitation if the person being solicited gives a negative response.
5. During the course of the solicitation, state the total cost of the goods or services offered for sale and the number, timing and amount of installment payments if payment on an installment basis is available to the person being solicited.

B. Street Vendors, Food Carts. All street vendors and food carts shall:

1. Limit operations to the following hours:
 - a. Stationary Street Vendors may operate between 5 a.m. to 11 p.m.
 - b. Stationary Food Carts may operate at any hour of the day.
 - c. Mobile Street Vendors may operate between 9 a.m. and 5 p.m.
 - d. Mobile Food Cart may operate between 5 a.m. and 11 p.m.
2. Street vendors can only operate in commercial and industrial zones.
3. All street vendors must display a city-issued identification card to operate within North Plains.
4. Street vendors cannot advertise through the placement of signs (temporary or permanent) or employ a barker. (Signs on the side of vehicles or carts are allowed.)
5. Street vendors shall not be located in the right-of-way directly in front of the entrance of any open business.
6. Food Carts are subject to all health and safety rules of Washington County and the State of Oregon.
7. Food Carts shall not park in a public right of way within 40 feet of the entrance of a building containing a restaurant, delicatessen or bakery business, unless they have received the written permission of the business to operate in closer proximity to the business.

6.25.060 Requirements for Temporary Merchants

- A. Requirements. One temporary merchant license may serve as an umbrella license for several related organizations on one lot or public facility during the same license period.

Term. A temporary merchant license is valid for up to 30 consecutive days for each location, after which it may be renewed, subject to a fee set by City Council resolution.

6.25.070 Exemptions for Temporary Merchants

The following temporary merchants do not require a license and are exempt from the application requirements contained within Section 6.25.080 but must meet the standards under Section 6.25.080.

- A. Any temporary merchant who is in operation for three or fewer consecutive days at the same location.
- B. A non-profit organization selling goods, wares or merchandise, whose business is in operation on private property during one period not exceeding 30 consecutive days in any three month period.
- C. Sales associated with events sponsored by City of North Plains or specifically exempted by the City Council.
- D. Temporary construction offices in conjunction with the initial development of residential, commercial or industrial property.

6.25.080 Special Standards, Application and Fees for Temporary Merchants

A. Standards.

- 1. Temporary Merchants shall limit operations to the hours of 5 a.m. – 11 p.m.
- 2. The activities of the temporary merchant shall not unduly restrict parking spaces on public.
- 3. Licenses for a temporary merchant shall be displayed by the temporary merchant in a visible location and shown to any customer or city official upon request.
- 4. The proposal shall comply with the North Plains Zoning and Development Code as far as signage, height restrictions, public access, setbacks, coverage, vision clearance and yard requirements.
- 5. A temporary merchant shall comply with all applicable sanitation codes, including waste disposal. If self-contained facilities such as porta-potties are proposed, they must also meet all applicable city and state sanitation requirements.

B. Fees. All fees shall be charged as set by City Council resolution. Fees are non-refundable.

6.25.090 Licensing Approval, Authority and Appeals

- A. The city shall have the authority to approve or deny any application for a license to be issued.
- B. A license shall not be issued if the applicant has provided false information on the application form.

- C. Any applicant for a license which is denied approval may appeal the decision to the City Manager. The City Manager may accept or reject the decision of city staff, or waive any requirements imposed.

6.25.100 Penalty

Any person who engages in activities within the corporate city limits without having first registered, as provided by this Chapter, or without having first applied for and obtaining the license herein provided for, or who violates any other of the provisions of this Chapter, shall have committed an infraction and shall be processed in accordance with Chapter 1.01 of the Municipal Code. Every day of a continuing violation shall be deemed a separate offense for the purposes of these penalties.