

ORDINANCE NO. 1527

AN ORDINANCE REPEALING AND AMENDING SECTIONS OF CHAPTER 5.04, ADDING CHAPTER 5.07 AND AMENDING SECTIONS OF CHAPTER 5.12 OF THE HOOD RIVER MUNICIPAL CODE

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1. Sections Repealed. Sections 5.04.070 through 5.04.260 of the Hood River Municipal Code are hereby repealed.

Section 2. Sections Amended. Sections 5.04.020 through 5.04.060 of the Hood River Municipal Code are amended to read as follows:

"5.04.020 Dance License required. No person shall operate a dance which is open to the public, or for which admission is charged directly or indirectly, without first having obtained a dance license from the City Recorder. However, it shall not be necessary for a person who operates a commercial establishment which is licensed by the Oregon Liquor Control Commission to obtain a dance license."

"5.04.030 License Criteria; Appeal. A person applying for a dance license shall pay the prescribed fee and shall provide all information required on a standard form prepared by the City Recorder. Thereafter the City Recorder may issue a dance license. However, if the fee is not paid, if all questions on the form supplied to the applicant are not answered, or if it reasonably appears to the City Recorder, City Administrator or Chief of Police from the information given or upon further investigation that a dance license should not be issued, or should only be issued with conditions, the City Recorder may refuse to issue a dance license or may issue a license with conditions. In deciding whether or not to issue a dance license, or to impose conditions, the City Recorder may consider problems with dances which the applicant has previously held or participated in, problems with the facility where the dance will be held including sanitation, problems of public peace and traffic and parking problems. Any person whose application for a dance license has been refused, or who disagrees with any conditions imposed may appeal the decision to the Council."

"5.04.050 License Duration; Fee. Upon submission of an application for a dance license the applicant shall pay a nonrefundable fee of \$20, or such other sum as may hereafter be set by the Council by Resolution. Each dance license granted shall be valid for a period of one (1) day."

"5.04.060 Penalty. Any person who violates or causes a violation of any provision of this Chapter including failure to comply with any dance license conditions, shall be deemed guilty of an offense, and shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal Code."

Section 3. Chapter Added. There is hereby added to the Hood River Municipal Code Chapter 5.07, Sections 5.07.010 through 5.07.040, which shall read as follows:

"5.07.010 Definitions.

"Person", means any individual, firm, company, association, copartnership or corporation.

"Transient Merchant", means any person, whether principal or agent, who engages in or conducts a temporary or transient business of selling goods, wares and merchandise, either by public or private sale or at public or private auction with the intention of continuing in such business in a location or locations in the City for a period of not more than sixty (60) days, and who, for the purpose of carrying on such business, hires or occupies, either in whole or in part, any place, room, building or structure for the exhibition and sale of such goods, wares and merchandise."

"5.07.020 License required; fee. No person shall act as a transient merchant without first having obtained a license from the City Recorder. On submission of an application for a transient merchant license the applicant shall pay a non refundable investigation fee of \$20, or such other sum as may hereafter be set by the Council by Resolution. However, no fee shall be required of a person selling goods or merchandise or performing services on a purely nonprofit basis for charitable, educational or religious benefit, or if a person claims to have the right under state or federal law to act as a transient merchant in the City without payment of an investigation

fee, provided such facts are established by the applicant to the satisfaction of the City Recorder."

"5.07.030 License criteria; Appeal. A person applying for a transient merchant license shall pay the prescribed investigation fee and shall provide all information required on a standard form prepared by the City Recorder. Upon receipt of such application, the same shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good, and who shall make a report thereof to the City Recorder within a period of thirty (30) days from the date of the filing of the application. Upon receipt of the report from the Chief of Police the City Recorder may issue a transient merchant license. However, if the investigation fee is not paid, if all questions on the forms supplied to the applicant are not answered, or if it reasonably appears to the City Recorder or City Administrator from the information given or upon further investigation that a transient merchant license should not be issued, the City Recorder may refuse to issue a transient merchant license. In deciding whether or not to issue a transient merchant license the City Recorder may consider the report of the Chief of Police, the location where the merchandise is to be offered for sale, whether it appears that any law may be violated, the criminal record, if any, of the applicant, and the prior business record of the applicant. Any person whose application for a transient merchant license has been refused may appeal the decision to the Council.

"5.07.040 Penalty. Any person who violates or causes a violation of any provision of this Chapter shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal Code."

Section 4. Subsection amended. Subsection J. of Section 5.12.030 of the Hood River Municipal Code is amended to read as follows:

"5.12.030 Permit and License - Application - Required Information - Fee.

J. At the time of filing the application the applicant shall pay a nonrefundable investigation fee of \$20, or such other sum as may hereafter be set by the Council by Re-

solution."

The remainder of Section 5.12.030, including Subsections A., B., C., D., E., F., G., H., and I., will remain in full force and effect.

Section 5. Sections amended. Section 5.12.050 and 5.12.130 of the Hood River Municipal Code are amended to read as follows:

"5.12.050 Investigation fee - Waiver. No investigation fee required to be paid under S.5.12.030 J. shall be required of any person selling goods or merchandise or performing services on a purely non profit basis for charitable, educational or religious benefit, or if a person claims to have the right under state or federal law to peddle or solicit in the city without payment of an investigation fee, provided such facts are established by the applicant to the satisfaction of the City Recorder."

"5.12.130 Violation - Penalty. Any person who violates or causes a violation of any provision of this Chapter shall be deemed guilty of an offense, and shall be subject to the punishment as prescribed in Chapter 1.12 of the Hood River Municipal Code."

Read for the first time: February 28, 1983

Read for the second time: March 14, 1983

PASSED by the Council of the City of Hood River, this 14<sup>th</sup> day of March, 1983.

Dorothy M. Snyers  
Dorothy M. Snyers  
City Recorder

APPROVED by the Mayor of the City of Hood River, this 14<sup>th</sup> day of March, 1983.

James T. Walker  
James T. Walker  
Mayor