

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

ENTERTAINMENT CLUBS

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5.04.010 Definitions.

As used in this chapter the following mean:

(1) "Adult club" means any entertainment club which restricts its admission to persons of the age 18 years or older.

(2) "Club premises" means any place where an entertainment club is operated or maintained and includes all hallways, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.

(3) "Entertainment club" means commercial premises open to the public, the primary function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or pre-recorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function an entertainment club may sell and/or serve food and beverages to its patrons.

(4) "Person" means one or more natural persons, corporations, partnerships, or associations.

(5) "Person financially interested" means all persons who share in the profits of the business, on the basis of gross or net revenue, which may include landlords, lessors, lessees, and the owner or owners of the building, fixtures or equipment.

(6) "Teen club" means any entertainment club which permits the entry of persons under the age of 18 years. (Ord. 1805 § 1, 1993)

5.04.020 License required.

From and after the effective date of the ordinance codified in this chapter, no person shall conduct, own, lease, manage, operate or assist in the conducting, owning, leasing, managing or operating either as owner, lessee, principal, agent, master, employee or otherwise an entertainment club within the city unless a license as provided for in this chapter is first obtained. (Ord. 1805 § 2, 1993)

5.04.030 License fee.

The license fee for entertainment clubs shall be determined by council resolution. License fees shall be payable annually and shall expire on the thirty-first day of December of each calendar year in which the license is issued. License fees shall not be prorated for the balance of any calendar year. No license shall be issued for any sum less than that set by the council during any portion of the calendar year. (Ord. 1805 § 3, 1993)

5.04.040 License application procedures.

(1) An applicant for a license shall submit his application to the city recorder, which application shall be under oath and shall include, among other things, the true names and addresses of all persons financially interested in the business, the personal history and business experiences of such persons, and any other matters deemed by the city to be of necessary inquiry.

(2) The application shall be accompanied by a nonrefundable investigative fee of \$100.00.

(3) The applicant shall provide a written statement setting forth all means proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the premises, will be maintained, and that the ages of patrons admitted to the club will be monitored.

(4) The applicant shall elect whether the entertainment club will be operated either exclusively as a teen club or exclusively as an adult club, and contain a statement of the proposed schedule of operating hours and days.

(5) The applicant shall provide a statement of whether the applicant, or the applicant's officers, directors, partners or any other person involved in the operation or management of the entertainment club or financially interested therein has been convicted within the preceding five years of any crimes involving firearms, controlled substances, sexual offenses, prostitution, assault, or contributing to the delinquency of a minor.

(6) The application shall also be accompanied by fingerprints and photographs of persons involved in the operation or management or financially interested. (Ord. 1805 § 4, 1993)

5.04.050 Investigation.

The police department shall examine and investigate the background and qualifications of applicants for a license within the meaning of this chapter and shall make a recommendation as to whether or not a license shall be issued. (Ord. 1805 § 5, 1993)

5.04.060 Revocation.

Nothing in this chapter shall be construed to deprive the council of power to revoke any license issued by it. (Ord. 1805 § 6, 1993)

5.04.070 Procedure for issuance or denial of license.

(1) Approval or denial of the license shall be based on council consideration of all available evidence indicating whether the applicant meets the requirements of this chapter.

(2) The license shall not be granted if:

(a) The business premises do not comply with all applicable regulatory codes of the city, state, or the United States relating to public health, safety and welfare.

(b) The application is incomplete or it contains any material misrepresentation.

(c) The application does not propose adequate measures for the protection of the public health, safety and welfare in terms of traffic control, crowd protection and security, both inside and outside the premises, and the monitoring of the ages of patrons admitted to the club.

(d) Convictions for any of the crimes, disclosures of which was required by NBCC 5.04.040 (5), by any person involved in operation or management of the club, or financially interested therein, or other criminal activity, presents a reasonable doubt about the applicant's ability to operate the club without presenting a danger to the public health, safety or welfare. (Ord. 1805 § 7, 1993)

5.04.080 Transferability.

No license issued as provided in this chapter shall be transferred or assigned. Change in persons having financial interest in a licensed business shall be reported immediately to the city administrator, who shall order an investigation by the

police department. The change shall be approved or denied by the council. Applicants for a change of financial ownership shall be accompanied by a nonrefundable investigation fee of \$100.00. (Ord. 1805 § 8, 1993)

5.04.090 Employee work permits.

Employees and entertainers in clubs shall obtain work permits from the city. Applications for such work permits may be obtained from the recorder and shall contain such information as may be deemed necessary to allow a police background investigation. No permits shall be issued to any person who has been involved in any of the conduct described in NBCC 5.04.070(2)(d) which would lead to the refusal to grant a license. Each application for a work permit shall be accompanied by a fee of \$25.00, renewable annually from date of application. A temporary work permit may be approved by the city administrator pending the background check. (Ord. 1808 § 1, 1993; Ord. 1805 § 9, 1993)

5.04.100 Suspension and revocation of license.

(1) The city administrator shall temporarily suspend any license or work permit issued hereunder if:

(a) Any person who has interest in the business is convicted of a felony.

(b) Any person who has any interest in the business is convicted of five misdemeanors.

(c) Any person who has any interest in the business is convicted of or forfeited bail for any crime involving firearms, controlled substances, sexual offenses, prostitution, assaults or contributing to the delinquency of a minor.

(d) Any false or misleading information is supplied in the application or any information requested is omitted from the application.

(e) Any person who has any interest in the business or any employee violates any section of this chapter.

(f) The licensee fails to keep the building or equipment of the licensed premises in compliance with the applicable health, building, fire, or life safety codes.

(g) The licensee fails to comply with any of the requirements of this chapter or other applicable ordinance of the city of North Bend or laws of the state of Oregon or of the United States.

(2) Any action taken by the city administrator under this section shall be subject to the right of

appeal to the council when meeting in regular council session. Notice of appeal shall be filed with the recorder within 20 days or such action shall be deemed final and conclusive. A temporary suspension shall be for 30 days.

(3) Permanent revocation may be made only by the council and such revocation shall only take place at a council meeting in regular council session upon application of the city administrator and only after the licensee has been served with notice of at least 20 days prior to the council meeting. Such notice shall include the time and date of the council meeting and the grounds upon which the permanent revocation is sought. Notice shall be deemed to have been received by the licensee or permittee if the city administrator mails notice to the address listed by the licensee or permittee on his application for a license or a permit. (Ord. 1805 § 10, 1993)

5.04.110 Operating rules and regulations.

The following operating rules and regulations shall apply to all entertainment clubs in the city:

(1) Persons of the following ages shall not be permitted to enter or remain on the premises of a teen club:

(a) Persons 21 years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club.

(b) Persons under the age of 14 years.

(2) No person under the age of 18 years shall be permitted to enter or remain on the premises of an adult club unless accompanied by a parent or legal guardian.

(3) Teen clubs shall be operated only on Friday and Saturday nights during the weeks when North Bend public schools are in session. Teen clubs shall close no later than 1:00 a.m., but curfew laws relating to minors will be observed and enforced.

(4) Adult clubs may operate any night of the week and shall close no later than 2:00 a.m.

(5) It shall be the obligation of the licensee to employ an adequate number of qualified security personnel who will be present on club premises during all operating hours to maintain peace and order and to ensure compliance with the law. If the city administrator determines that the club operation is directly resulting in an increased demand for police services in the vicinity of the club, the licensee shall be required to augment its private security force by hiring commissioned police officers with arrest authority to patrol said vicinity during club operating hours.

(6) It shall be the obligation of the licensee to ensure that no alcoholic beverages or controlled substances are offered for sale or consumed on the club premises.

(7) It shall be the obligation of the licensee to remove from the club premises any person who is or appears to be under the influence of or affected by the use of alcohol and/or drugs, or whose conduct poses a physical danger to the safety of others present.

(8) It shall be the obligation of the licensee to provide proper and adequate illumination of all portions of the club premises which are available for use by the public. Such illumination shall be not less than 10 footcandles at floor level at all times when the premises are open to the public or when any member of the public is permitted to enter and remain therein.

(9) It shall be the obligation of the licensee to discourage loitering or the creating of public nuisances or disturbances of the peace by any patrons of the club on club premises, or the immediate vicinity of the same. "Loitering" shall not include walking between the club building and a patron's vehicle, nor shall it include the act of waiting in line to gain admission to a club.

(10) It shall be the obligation of the licensee to clean up all litter resulting from club operations. The cleanup shall occur within eight hours after the end of each day's operation and shall extend for a one-block radius around the club.

(11) The licensee shall not promote or permit the display or exposure in the club of a person's genitalia as all or any part of an exhibition, entertainment or attraction to the club. (Ord. 1805 § 11, 1993)

5.04.120 Restrictions on multi-use facilities.

(1) The premises where a teen club is located shall not be used, at any time, as an adult club, or an adult entertainment facility, or a premises which is licensed to serve alcoholic beverages.

(2) A teen club may only be located on the same premises with another licensed business if:

(a) All businesses on the premises comply with the operating rules and regulations of this chapter relating to teen clubs; or

(b) The teen club is physically segregated from the space used by the other businesses and has a separate entrance into the building which is exclusively for the use of its patrons; or

(c) Only one business operates at a time on the premises, and the premises are closed alto-

gether for not less than one hour between the close of one business operation and the opening of another. (Ord. 1805 § 12, 1993)

5.04.130 Access by police officers.

All police officers of the city shall have free and immediate access to all entertainment clubs for the purpose of inspection and to enforce compliance with the provision of this chapter. (Ord. 1805 § 13, 1993)

5.04.140 Checking the age of patrons.

(1) It is the responsibility of the licensee to require picture identification (or reasonable equivalent) showing the age of each person admitted to an entertainment club. It is unlawful for any person to knowingly or recklessly allow a person to enter or remain on the premises of an entertainment club in violation of the provisions of this chapter.

(2) It is unlawful for any person to affirmatively misrepresent his or her age for the purpose of obtaining admission to, or remaining at, an entertainment club in violation of the provisions of this chapter. (Ord. 1805 § 14, 1993)

5.04.150 Exemptions.

Entertainment clubs do not include, and this chapter does not apply to, premises which serve alcoholic beverages and which are under the jurisdiction of the Oregon Liquor Control Commission, theaters where the patrons sit in parallel rows of fixed seats, full service restaurants where the only entertainment consists of pre-recorded background music which is incidental to the primary function of serving food, outdoor performances, a banquet, party or celebration conducted for invited guests which is not open to the public, dances or events sponsored or operated by or held on the premises of a governmental entity, an accredited educational institution, or a nonprofit religious, charitable, benevolent, fraternal, or social organization which is recognized by the United States of America as being exempt from federal taxation. (Ord. 1805 § 15, 1993)

5.04.160 Civil penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a civil penalty not to exceed \$500.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1805 § 16, 1993)

Chapter 5.08

AMUSEMENT DEVICES AND JUKEBOXES

Sections:

- 5.08.010 Definition of terms.
- 5.08.020 Gambling devices not permitted.
- 5.08.030 License required.
- 5.08.040 License application.
- 5.08.050 Investigation.
- 5.08.060 License fees.
- 5.08.070 Display of license.
- 5.08.080 Revocation of license.
- 5.08.090 Appeal.
- 5.08.100 Seizure and destruction of machine.
- 5.08.110 Penalty.

5.08.010 Definition of terms.

As used in this chapter, unless the context otherwise indicates:

(1) "Commercial amusement device" shall mean any machine, equipment or device which, upon the insertion of a coin, slug, token or by the payment of any price, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score.

(2) "Jukebox" shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

(3) "Person, firm, corporation, or association" as used herein shall include the following: any person, firm, corporation or association which owns any such machine, the person, firm, corporation or association in whose place of business any such machine is placed for use by the public, and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section. (Ord. 1640 § 2, 1981; Ord. 1295 § 1, 1965)

5.08.020 Gambling devices not permitted.

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law or that may

be contrary to any future laws of the state of Oregon. (Ord. 1295 § 2, 1965)

5.08.030 License required.

Any person, firm, corporation or association displaying for public patronage or keeping for operation any jukebox or commercial amusement device shall be required to obtain a license from the city of North Bend for each such device or machine upon the payment of a license fee, and any person, firm, corporation or association engaged in the business of displaying, renting, selling, loaning or placing jukeboxes or commercial amusement devices shall be required to obtain a license from the city of North Bend upon the payment of a license fee. Application for such licenses shall be made to the city recorder upon forms to be supplied by the city recorder for that purpose. (Ord. 1640 § 4, 1981; Ord. 1295 § 3, 1965)

5.08.040 License application.

The application for a license to operate or engage in a jukebox or commercial amusement device business in the city of North Bend shall contain the name, age and date of birth of the applicant, whether or not the applicant or its principal owners or officers has been convicted of a felony or gambling offense, and the principal place of business and the addresses of all offices of the applicant. All applications for licenses for individual machines as provided in this chapter shall contain the name and address of the applicant, the place where the machine or device is to be displayed or operated, and the type of business conducted at that place, and a description of the machine to be covered by the license, mechanical features, name of manufacturer, and serial number, and in the event that the owner of such machine is not licensed to engage in the business of distributing such machines, then such application shall also contain the information required for the business license. (Ord. 1640 § 4, 1981; Ord. 1295 § 4, 1965)

5.08.050 Investigation.

The application for a license shall be submitted to the chief of police of the city of North Bend who shall investigate the location proposed for such machine and shall ascertain if the applicant is a person of good moral character and shall either approve or disapprove the application. (Ord. 1295 § 5, 1965)

5.08.060 License fees.

(1) Licenses shall be issued for a calendar year or part thereof and such fees may be paid for the entire year, the remainder of the calendar year, or may be paid monthly. Fees for the remainder of a calendar year may be prorated, and fees paid monthly shall equal one-tenth of the annual fee. A failure to make payment of a monthly fee prior to the first day of any month shall cause the license to lapse and shall subject the licensee to any and all penalties for operating such device or business without a license.

(2) The annual license fee for engaging in a jukebox or commercial amusement device business shall be \$15.00.

(3) The annual license fee for each jukebox or commercial amusement device shall be \$15.00. (Ord. 1833 § 1, 1995; Ord. 1822 § 1, 1994; Ord. 1640 § 3, 1981; Ord. 1295 § 6, 1965)

5.08.070 Display of license.

(1) The license or licenses herein provided for machines and devices shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(2) Such license may be transferred from one machine or device to another similar machine upon application to the city recorder to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

(3) If the machine or device shall be moved to another location within the city of North Bend, the license may be transferred to such new location upon application to the city recorder, giving the street and number of the new location. The new location shall be approved by the chief of police in the same manner as provided in NBCC 5.08.050. (Ord. 1295 § 7, 1965)

5.08.080 Revocation of license.

Any license issued under the terms of this chapter may be revoked by the city recorder for violation of the terms of this chapter or any other ordinance of the city of North Bend relating to the business and activities described in this chapter. (Ord. 1295 § 8, 1965)

5.08.090 Appeal.

Any person, firm or corporation aggrieved by the action of the city recorder in denying or revoking a license under the terms of this chapter shall have a right to appeal such action to the city council by delivering written notice of such appeal to the city recorder specifying therein all of the facts or reasons to be relied upon in such appeal, and the appeal shall thereupon be held before the council at its next regular meeting to be held not earlier than three days after the filing of such notice of appeal. The decision of the council upon such appeal shall be final and conclusive. (Ord. 1295 § 9, 1965)

5.08.100 Seizure and destruction of machine.

If the chief of police shall have reason to believe any commercial amusement device is used as a gambling device, such machine may be seized by the police and impounded and if upon trial of the exhibitor be allowing it to be used as a gambling device said exhibitor be found guilty such machine shall be destroyed by the police. (Ord. 1640 § 4, 1981; Ord. 1295 § 10, 1965)

5.08.110 Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00. (Ord. 1386 § 1, 1969; Ord. 1295 § 11, 1965)

Chapter 5.12**SECONDHAND, GEM, AND
PRECIOUS METAL DEALERS**

Sections:

- 5.12.010 License required – Definitions.
- 5.12.020 License – Application – Contents.
- 5.12.030 License – Application – Investigation.
- 5.12.040 License issuance – Fee.
- 5.12.050 Bond.
- 5.12.060 Records.
- 5.12.070 License – Revocation.
- 5.12.080 License – Appeal.
- 5.12.090 Violation – Penalty.

5.12.010 License required – Definitions.

It shall be a violation of this chapter for any person, firm, or corporation, which has not first obtained a license under the provisions of this chapter, to engage within the corporate limits of the city of North Bend in a secondhand, gem, or precious metal business defined as follows:

(1) “Engage in business” shall include owning, managing, or operating a business which receives, buys, sells, or in any way exchanges tangible personal property subject to this chapter, but it does not include purchases from manufacturers or wholesalers, with established places of business, incidental trade-ins and sales of secondhand items by those engaging primarily in the business of selling new merchandise, or dealers in secondhand motor vehicles, or sales on the premises where the goods have been used by the owner (such as garage sales), or rummage sales of donated goods, nor shall it apply to judicial sales or other sales by public officials in the exercise of their official duties.

(2) “Gems and precious metals” are any such items valued for their character or quality, including gold, silver, zirconium, platinum, diamond, ruby, sapphire, emerald, turquoise and other such metals and gems; but such items do not include the raw materials or items which have not been previously sold at wholesale or retail.

(3) “Secondhand goods” include items which have been previously used or sold at retail, but does not include clothing. (Ord. 1661 § 1, 1983; Ord. 1610 § 2, 1980; Ord. 1229 § 1, 1963)

5.12.020 License – Application – Contents.

Applicants for licenses under the terms of this chapter must file with the city recorder a sworn application in writing on a form to be furnished by

the city recorder, which shall give the following information:

(1) Name and home address of the applicant. If the applicant is a partnership or firm then the application must show the names and addresses of all persons who are partners or members of the firm. If the applicant is a corporation, the application must contain the names and addresses of each officer of such corporation. In the event that the owner of such business will not be the operator or manager thereof, then the application must contain the name and address of such operator or manager.

(2) The name and address of the business.

(3) The fingerprints of the owners, manager, and operators of the business to be taken in the North Bend police department together with the names of at least two reliable property owners within the county of Coos who will certify to the good character and business responsibility of the applicant or, in lieu of the names of references, any other available evidence as to good character and business responsibility of the applicant which will enable an investigator to properly evaluate such character and business responsibility.

(4) A statement as to whether the owner, operator, or manager has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and punishment or penalty assessed therefor. (Ord. 1229 § 2, 1963)

5.12.030 License – Application – Investigation.

(1) Upon the receipt of the application and investigation fee provided in this chapter, a copy of the application shall be referred to the chief of police of the city of North Bend, who shall cause an investigation to be made of the applicant's business and moral character.

(2) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse upon such application his disapproval and his reasons for the same, and return said application to the city recorder, who shall notify the applicant that his application is disapproved, and that no license will be issued.

(3) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, and the city recorder shall, upon the payment of the license fee and delivery of the bond provided herein, deliver to the applicant his license, which

shall be in a form prescribed by the city recorder. (Ord. 1229 § 3, 1963)

5.12.040 License issuance – Fee.

At the time of the issuance of the license there shall be paid to the city recorder a fee of \$25.00 to cover the cost of administration and enforcement of this chapter. All licenses shall be issued for a term of one year, and such license may be renewed for subsequent periods of one year by the payment to the city recorder of the fee of \$25.00 prior to the renewal period. At the time of the submission of the original application for a license, the applicant shall pay to the city recorder the sum of \$10.00 as an investigation fee, but such investigation fee shall not be payable upon renewals of such license for subsequent years. No license shall be transferable under the terms of this chapter unless the transferee shall have made application for a license and shall have paid an investigation fee of \$10.00 to the city recorder. Any transferee of a license shall be investigated and shall be issued or denied a license or the transfer of a license, as provided herein. (Ord. 1229 § 4, 1963)

5.12.050 Bond.

Before any license shall be issued under this chapter, there shall be filed with the city recorder a bond running to the city of North Bend in the sum of \$1,000 executed by the applicant as principal and a corporate surety company authorized to do business in Oregon or two personal sureties upon whom service of process may be made in Coos County, Oregon, said bond to be approved as to form and responsibility of sureties by the city attorney and to be conditioned upon the compliance with the provisions of this chapter and guaranteeing that personal property will not be wrongfully received or disposed of by the licensee. Action may be brought in the name of the city on such bond to the use and benefit of the aggrieved person. Licenses for a second or subsequent year may be issued without a bond being filed if there have been no violations of this chapter or claims made for wrongful receipt or disposal of personal property during the preceding license year. (Ord. 1681 § 1, 1984; Ord. 1229 § 5, 1963)

5.12.060 Records.

Every licensee under the terms of this chapter shall be subject to the following record making and record keeping requirements:

(1) Before taking possession of any article of property subject to this chapter, the licensee shall obtain from the person having custody of such property a signed statement describing such person and property on a form to be provided or approved by the North Bend police chief. A copy of such form shall be delivered or mailed to the North Bend police department on the same day that it is obtained from the licensee.

(2) No licensee shall resell property subject to this chapter for a period of 10 days after the report form has been delivered or mailed to the police department; provided, that for good cause shown, the police chief or designee may waive all or any part of such 10-day period.

(3) There shall be maintained at the licensee's place of business daily records containing a true account of all acquisitions and sales of property. The records shall be open to inspection by any law enforcement officer during business hours and at other reasonable times. Such records shall be kept for at least one year following the date of the receipt of the article of property. (Ord. 1661 § 2, 1983; Ord. 1229 § 6, 1963)

5.12.070 License – Revocation.

Licenses issued under the provisions of this chapter may be revoked by the municipal judge of the city of North Bend after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for license.

(2) The conviction of any crime or misdemeanor involving moral turpitude, or involving any dealings with goods, wares or merchandise in the business.

(3) Any violation of this chapter.

(4) A failure to use reasonable care to determine the ownership or right to possession of any article of goods, merchandise or personal property received by such business.

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage pre-paid, to the licensee at his last known address at least five days prior to the date set for hearing. (Ord. 1229 § 7, 1963)

5.12.080 License – Appeal.

Any person aggrieved by the action of the chief of police or city recorder in the denial of an application for a license as provided in NBCC 5.12.030

shall have the right to appeal to the council of the city of North Bend. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in NBCC 5.12.070 for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive. (Ord. 1229 § 8, 1963)

5.12.090 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00. (Ord. 1386 § 1, 1969; Ord. 1229 § 9, 1963)

Chapter 5.16

SOLICITOR REGISTRATION

Sections:

- 5.16.010 Findings.
- 5.16.020 Definition of solicitor.
- 5.16.030 Registration certificate required.
- 5.16.040 Certificates.
- 5.16.050 Public record.
- 5.16.060 City duties and liabilities.
- 5.16.070 Conduct of solicitors.
- 5.16.080 Civil penalties.

5.16.010 Findings.

The council finds that the practice of going from door to door soliciting contracts, sales or services for future or immediate delivery on a retail level and solicitation for alleged charitable or religious purposes has been conducive of misrepresentation and fraud, that residents of the city often ask city officials for information concerning such solicitors, and that it is in the interest of the public health, safety and welfare that organizations and persons carrying on such solicitations should be required to supply information and register with the city of North Bend before making door to door solicitations within the city of North Bend. (Ord. 1733 § 1, 1988)

5.16.020 Definition of solicitor.

For purposes of this chapter the terms “solicitor” and “solicitation” involve persons going from place to place, house to house, or business to business within the city of North Bend for the purpose of soliciting contracts, sales, or services for future delivery or performance or immediate delivery or performance on a retail level, whether traveling by foot or vehicle, whether the property is tangible or intangible or involves contract rights. Solicitors also involve those soliciting money or other things of value for charitable or religious purposes or selling or distributing items of literature or merchandise for which a fee is charged or solicited or a donation requested by going from business to business, house to house, or place to place in the city of North Bend, and whether or not the solicitation is for charitable, religious, educational or philanthropic purposes. Solicitors shall include persons who, for themselves or for other persons, firms, or corporations, procure invitations by any means or device, including telephone calls, to make personal

calls for the purpose of solicitation. (Ord. 1733 § 2, 1988)

5.16.030 Registration certificate required.

No person shall engage in solicitation as defined in this chapter without first obtaining from the city recorder a certificate of registration, and the carrying on of such solicitation without said certificate or the supplying of false information in order to obtain a certificate is prohibited and is a civil offense. In order to obtain a certificate of registration, an applicant shall make an application which is sworn or affirmed under penalties of perjury and provide the city recorder with the following information:

(1) Name and permanent home and business addresses and phone numbers of the applicant together with any local address and phone number.

(2) The name, address, phone number and nature of the business of the employer of the applicant, together with the name, address, phone number and nature of the business of the previous employer of the applicant.

(3) In the case of commercial solicitation, a brief description of the nature of the business and the goods, services or contracts to be sold, the place of origin of the goods or services, and the methods of delivering or supplying such goods, services or contracts.

(4) In the case of religious or charitable solicitation, the address and phone number of the organization or association for which the solicitation is made, whether any commission, fee, wage or other cost is to be deducted or expended in connection with the solicitation, and the amount or percentage thereof.

(5) The estimated period during which the solicitation is to be carried on. (Ord. 1733 § 3, 1988)

5.16.040 Certificates.

Upon receipt of a completed application which has been sworn or affirmed under penalties of perjury, the city recorder or designee shall issue a certificate of registration which shall be effective for the period of one year. After such period of time, if there is any change in the information provided in the application, other than the estimated period of solicitation, then a new application must be made for a certificate of registration for an additional period of one year. If the applicant swears or affirms that no such change has occurred, then the certificate of registration may be renewed for an

additional period of one year without a new application. (Ord. 1752 § 1, 1989; Ord. 1733 § 4, 1988)

5.16.050 Public record.

All applications and other records relating to the administration of this chapter shall be public records which are open to public inspection and the information may be released by any city employee or official. (Ord. 1733 § 5, 1988)

5.16.060 City duties and liabilities.

Neither the city of North Bend nor any of its officers or employees shall be obligated to make any investigation of applicants for a certificate of registration and they are not required to verify any of the information supplied. The city of North Bend also does not assume any responsibility or liability for information provided to members of the public or others concerning any registered solicitors, their applications, or their organizations or employers. (Ord. 1733 § 6, 1988)

5.16.070 Conduct of solicitors.

In carrying on solicitations within the city of North Bend, all solicitors shall be required to discontinue any presentation or solicitation and to leave the premises promptly if asked or told to leave by the occupant or if the occupant expresses a disinterest in such solicitation. (Ord. 1733 § 7, 1988)

5.16.080 Civil penalties.

Upon conviction of a violation of this chapter, a civil penalty may be imposed in an amount not to exceed \$500.00. (Ord. 1733 § 8, 1988)

Chapter 5.20

SELLING GOODS FROM VEHICLES OR TEMPORARY OR MOVABLE STANDS

Sections:

- 5.20.010 Purpose – Intent.
- 5.20.020 Exemptions.
- 5.20.030 License – Required.
- 5.20.040 License – Application.
- 5.20.050 License – Appeal.
- 5.20.060 Violation – Penalty.

5.20.010 Purpose – Intent.

The council hereby finds and determines that the practice of selling goods, services or contracts from vehicles or temporary or movable stands or containers creates special problems of enforcing regulations for the protection of the public health, safety, morals and welfare within the city of North Bend, that the mobility and temporary nature of the businesses affect the enforcement of traffic, sanitation, building and zoning regulations in the city of North Bend and that such businesses should be licensed, regulated and controlled. (Ord. 1336 § 1, 1966)

5.20.020 Exemptions.

As used in this chapter, the business of selling, soliciting or peddling goods, services or contracts from vehicles or temporary or movable stands or containers shall not include the delivery of goods, services or contracts previously purchased or ordered, nor shall it include sales by wholesalers to retailers. (Ord. 1336 § 2, 1966)

5.20.030 License – Required.

It shall be unlawful for anyone to offer for sale, sell, vend, solicit the sale of or peddle goods, wares, merchandise, produce, services or contracts from vehicles or temporary or movable stands or containers within the corporate limits of the city of North Bend, unless and until there shall have been obtained for such business a license as provided for in this chapter. (Ord. 1336 § 3, 1966)

5.20.040 License – Application.

(1) All applicants for a license, under this chapter, shall file with the city recorder a statement containing the names and addresses of the owners and operators of the business, the exact location or locations proposed to be used for the conduct of such business, the names and addresses of the own-

ers and persons in possession of the property where such business will be located, a description of the utility services which will be used at such location, together with the proposed manner and method of disposing of any waste materials resulting from the operation of such business, and a description of the proposed methods of handling vehicular and pedestrian traffic created by such business together with the proposed on-street and off-street parking proposed for the customers of such business.

(2) The application statement shall be reviewed by the city recorder, chief of police, and city engineer to determine whether the proposed business will comply with the zoning, building, sanitation and traffic laws of the city of North Bend, and whether the 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.

(3) If the chief of police and city engineer 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 North Bend, then, after payment of the fees provided herein, the city recorder shall issue a license for such business stating therein the location or locations of such business and the time during which such business will be operated. The fees for the license provided herein shall be in the amount of \$500.00 for each location at which the applicant proposes to do business, and such license shall be for a period of 60 days.

(4) Any organization, society, association, corporation or person desiring to sell, solicit or peddle from vehicles or temporary or movable stands or containers as herein provided for charitable, religious, educational or philanthropic purposes may receive a permit therefor by complying with all of the provisions of this section, except that no license fee shall be charged. The recipient of such permit shall, at the request of the city recorder, file a financial statement showing a breakdown of all receipts and disbursements from sales made as a result of such registration and permit within 30 days from the end of the permit period.

(5) Applicants for a license may file a request with the city council for the waiver or reduction of license fees together with information to establish that the applicant qualifies for such waiver or reduction as provided in this paragraph. The city council may authorize a waiver or reduction of

license fees for any activity, festival or other event which is determined by the council to promote or advertise the city of North Bend or the community of which such city is a part and is found to be in the public interest. In authorizing such waiver or reduction of fees, the council may impose conditions and limitations consistent with the purposes of this chapter and the protection of the public.

If an applicant is proposing to conduct sales in conjunction with an existing business which has a use permit for the premises, and if the holder of the use permit applies for and receives a permit for such additional use in compliance with the zoning and other regulations relating to such use, then the applicant who has qualified for a license as provided in this chapter may be issued a license on the payment of a fee of \$50.00 for the qualified location and such license shall be for a period of six months. (Ord. 1722 § 1, 1987; Ord. 1715 § 1, 1987; Ord. 1706 §§ 1, 2, 1986; Ord. 1336 § 4, 1966)

5.20.050 License – Appeal.

In the event that an applicant for a license under this chapter shall be denied such license by the city recorder, the applicant may file a notice with the recorder of intent to appeal to the council of the city of North Bend, and the council shall hear and determine such appeal at its next regular meeting held not less than 10 days after the filing of the said notice of intent to appeal, and the decision of the council at such hearing shall be final and conclusive. (Ord. 1336 § 5, 1966)

5.20.060 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1336 § 6, 1966)

Chapter 5.24

TEMPORARY STRUCTURES FOR PUBLIC ASSEMBLY OR AMUSEMENT

Sections:

- 5.24.010 License – Required.
- 5.24.020 License – Application.
- 5.24.030 License – Safety and health requirements.
- 5.24.040 Insurance.
- 5.24.050 Bond.
- 5.24.060 Fees.
- 5.24.070 Adequacy of equipment, facilities and operations.
- 5.24.080 License – Revocation.
- 5.24.090 License – Appeal.
- 5.24.100 Violation – Penalty.

5.24.010 License – Required.

It shall be unlawful for any person, firm or corporation to erect, or cause to be erected, any temporary structure for use as a place of public assembly or amusement or to use any property or temporary structure within the city for the operation of a circus, carnival, rodeo, menagerie, side-show, booths or the conducting of rides and other similar amusements without first making application and receiving a license from the city of North Bend in compliance with the terms and conditions of this chapter. (Ord. 1288 § 1, 1965)

5.24.020 License – Application.

No license shall be issued under the terms of this chapter except upon written application to the city recorder setting forth the following information where applicable:

- (1) The name of the person, firm or corporation desiring a license.
- (2) The location of the principal place of business of such person, firm or corporation.
- (3) The names and addresses of the officers of such firm or corporation.
- (4) The estimated length of time during which a temporary structure or use of property is to be used or operated.
- (5) The hours of the day or night during which such structure or property will be used and opened to the public.
- (6) The type of construction, its location upon the property, seating arrangement, aisles, structural details and calculations for support of seats, loca-

tion of electrical wiring, location of all exits, and location of all fire equipment.

(7) A description of the sanitary facilities that are to be provided for public and private use.

(8) An accurate description of all shows, side-shows, booths, rides, acts, and animal exhibitions, together with their hours of operation and location upon the property.

(9) The areas which will be designated for public parking, together with the provisions that will be made for handling traffic. (Ord. 1288 § 2, 1965)

5.24.030 License – Safety and health requirements.

Upon receipt of the written application provided herein, the recorder of the city of North Bend shall refer such application to the fire chief, chief of police and city engineer. If such officers of the city are not satisfied as to the arrangements for fire protection, sanitation and public safety, then they may require changes or additions to the proposal in the application to comply with the ordinances and regulations of the city of North Bend, and to afford adequate protection for the health, safety, and welfare of the public, and if such changes and additions are not made, then the application shall be denied. Upon approval of the application by the fire chief, chief of police and city engineer, then the city recorder shall issue a license upon the payment of the fees provided herein together with the furnishing of evidence of public liability insurance and the delivery of the bond provided in this chapter. (Ord. 1288 § 3, 1965)

5.24.040 Insurance.

Before a license shall be issued under the terms of this chapter the applicant shall furnish evidence that public liability insurance is in force and in effect for the license period in an amount not less than \$50,000 for one person and \$100,000 for one accident. (Ord. 1288 § 4, 1965)

5.24.050 Bond.

No license shall be issued under the terms of this chapter unless and until there shall have been deposited with the city recorder a corporate surety bond or cash bond in the sum of \$1,000 conditioned upon compliance with the terms of this chapter, and upon saving harmless the city of North Bend from any and all liabilities or causes of action which might arise by virtue of the granting of a license provided herein, and that no damage will be done to the streets, sewers, public properties or

adjoining properties, and that no dirt, paper, litter or debris will be permitted to remain upon any public or private properties. In the case of a cash bond, the moneys shall be returned to the licensee not earlier than 24 hours and not later than 48 hours after certification by the chief of police that the property used and adjacent public and private properties have been cleaned of all paper, litter and debris and after the cessation of all the licensed operations. (Ord. 1288 § 5, 1965)

5.24.060 Fees.

The applicant shall pay to the city recorder the following fee or fees:

Rodeo and wild west show, per day	\$100.00
Menageries, per day	\$75.00
Parades for circuses and menageries located outside city, per day	\$100.00
Carnivals, per week	\$100.00
Each carnival concession 20 feet x 20 feet or less, per week	\$3.00
Each carnival concession 20 feet x 20 feet or more, per week	\$5.00
Any circus, per day	\$150.00
Circus concessions 20 feet x 20 feet or less, per day	\$10.00
Circus concessions 20 feet x 20 feet or more, per day	\$20.00
Tent shows, per day	\$15.00
Tent shows, per week	\$50.00
Any amusement, entertainment or show of any kind on any parcel of land in the city not included above:	
Per day	\$15.00
Per week	\$50.00
Temporary use of buildings for entertainment, amusement or exhibitions not enumerated elsewhere herein:	
Per day	\$2.00
Per week	\$6.00

(Ord. 1288 § 6, 1965)

5.24.070 Adequacy of equipment, facilities and operations.

(1) It shall be the duty of the fire department of the city of North Bend to determine the adequacy of the proposals contained in the application and, from time to time, determine the adequacy of the equipment, facilities, and operation of the licensee in respect to aisles, seats, exits, fire equipment,

first-aid equipment, “no smoking” and “exit” signs, safety precautions regarding use of open flames and flammable materials, the collection and disposition of debris, provisions for contacting the fire department in case of fire, the fireproofing of materials used in and around any temporary structure, and the general control of all fire hazards.

(2) It shall be the duty of the engineering department of the city to determine the sufficiency of all proposals in any application and the structural sufficiency of all platforms, grandstands, bleachers and other structures, the sufficiency of all electric wiring and electric appliances and the sufficiency of all sanitary facilities upon the premises.

(3) It shall be the duty of the police department of the city to determine the adequacy of all proposals contained in the application provided herein and the sufficiency of the operations of the licensee in providing adequate parking and traffic control and the compliance by the licensee with the criminal laws of the state of Oregon and ordinances of the city of North Bend. (Ord. 1288 § 7, 1965)

5.24.080 License – Revocation.

The license herein provided may be revoked by the city recorder for a violation of the terms of this chapter or of any other ordinance of the city of North Bend or of any state statute or for any failure of the licensee to comply with lawful orders of any city official. (Ord. 1288 § 8, 1965)

5.24.090 License – Appeal.

Any person, firm or corporation aggrieved by action of the city recorder in denying or revoking a license under the terms of this chapter shall have a right to appeal such action to the city council by delivering written notice of such appeal to the city recorder specifying therein all of the facts or reasons to be relied upon in such appeal, and the appeal shall thereupon be held before the council at its next regular meeting to be held not earlier than three days after the filing of such notice of appeal. The decision of the council upon such appeal shall be final and conclusive. (Ord. 1288 § 9, 1965)

5.24.100 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due

notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1288 § 10, 1965)

Chapter 5.28

ENTERPRISE ZONE

Sections:

- 5.28.010 Findings.
- 5.28.020 Job credits.
- 5.28.030 Eligibility.
- 5.28.040 Continuation of eligibility.
- 5.28.050 Cessation of eligibility.
- 5.28.060 Regulatory flexibility.

5.28.010 Findings.

The council finds that the city of North Bend, city of Coos Bay and Coos County have areas within their boundaries designated by the state of Oregon as an enterprise zone under the Oregon Enterprise Zone Act, that such local governmental units, by intergovernmental agreement, have undertaken jointly to administer and market land within such zone for the location of business enterprises, that such zone has been found by said local governmental units and by the state of Oregon to have those qualities and characteristics which make the area suitable for an enterprise zone under the Oregon law, and that such local governmental units have agreed, in compliance with the provisions of said Act, to provide local tax incentives and local regulatory flexibility to qualified businesses and employers to encourage development, growth and expansion of employment, business, industry and commerce within said enterprise zone. (Ord. 1711 § 1, 1986)

5.28.020 Job credits.

Each business firm which is qualified under the Oregon Enterprise Zone Act and which has and maintains a certificate of eligibility under this chapter shall receive a job credit of up to \$3,000 for each new or additional full-time employee during the five-year eligibility period as an offset to local fees and taxes which now exist or may be imposed in the future, including local license and permit fees, local business, sales and income taxes, and local systems development charges. All rental credits based on the number of employees in new businesses at the airport industrial park shall be included in determining the maximum amount of job credits for the same employer in the enterprise zone. Fees and taxes which are not included are sewer user fees, assessments for local improvements and any charges made by other governmen-

tal bodies, including any state surcharge on building code fees. (Ord. 1711 § 2, 1986)

5.28.030 Eligibility.

Whenever a qualified business, whether through expansion or new operation within the city, proposes a net payroll increase for a full calendar year of two new full-time or full-time equivalent jobs within the North Bend area or qualifies for property tax exemption under the Oregon Enterprise Zone Act, it becomes eligible for job credits. The city recorder will issue a “certificate of eligibility” to the qualified business based on its sworn statement of intent, which certificate will state the number of new jobs to be created. (Ord. 1711 § 3, 1986)

5.28.040 Continuation of eligibility.

Qualified businesses which have added to their employment rolls may prove such increase by providing copies of their employment division returns, or an equivalent, for the last four calendar quarters. Qualified eligible businesses must provide proof of employment level to the city on or about the anniversary of its first eligibility determination, and on each anniversary thereafter for the five-year eligibility period. (Ord. 1711 § 4, 1986)

5.28.050 Cessation of eligibility.

If a qualified business ceases to do business in North Bend or otherwise loses its qualification during the five-year period, such business is no longer eligible for job credits. To the extent eligible businesses show a decline in employment over the five-year period, the job credits cease for each such position lost. To the extent fees offset exceeded the proportionate job credits earned over the year or years of eligibility, the business must reimburse the city for the difference. (Ord. 1711 § 5, 1986)

5.28.060 Regulatory flexibility.

North Bend city officials are directed to provide qualified business firms within the enterprise zone with the following services and assistance:

(1) City officials shall attempt to process local permits under a one-step and one-stop process.

(2) City officials will provide assistance and support in obtaining any permits required by federal, state, or other local jurisdictions.

(3) City officials involved in codes enforcement will provide assistance in identifying alternative methods, materials and procedures for carrying out projects or construction.

(4) City officials will provide assistance in obtaining grants and loans which may be necessary or desirable for siting or constructing facilities within the enterprise zone. (Ord. 1711 § 6, 1986)

