

Title 5 – BUSINESS REGULATIONS

CHAPTER 5.04 – BUSINESS LICENSE, TRANSIENT MERCHANT, SPECIAL EVENT, AND MOBILE VENDOR PERMITS AND REGULATIONS

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5.04.010 – Purpose.

This Chapter is enacted to ensure that each business is conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with the public health, safety, and general welfare; to secure revenue to assist in defraying the city’s cost of administering and enforcing its laws and ordinances and the city’s provision of certain municipal services; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The chapter also acts to authorize and regulate transient merchants, special events, and mobile food vendors on all property within the City of Boardman.

5.04.20 – Applicability.

This Chapter provides reasonable and necessary regulations for the licensing of a variety of businesses and special events located within the City of Boardman as described in this Chapter. Nothing in this Chapter shall be construed to apply to any person transacting and carrying on any business within the City of Boardman which is exempt from taxation or regulation by the city by virtue of the constitutions of the United States or the State of Oregon, or applicable federal or state law.

Through this Chapter reasonable and necessary regulations will maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public; prevent interference with the peaceful enjoyment of the areas open to the public; and preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city.

The regulations of the chapter are not intended to permit any violation of the provisions of any other law or regulation and apply to activities within the City of Boardman, including City-owned and leased property.

These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational, or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.04.030 – Definitions.

As used in this chapter.

“Applicant” means the person applying for a license to conduct a particular business within the City.

“Business” means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the City.

“Business License” is an annual or period specific license, issued by the City Manager which is required for persons and entities conducting business for profit within the City.

“Business License Administrator” is the City appointed authority for reviewing, approving, or denying business license or permit applications.

“Day” means a calendar day unless otherwise noted.

“Doing business” means to engage in any activity in pursuit of profit, gain, livelihood, or any other purpose.

“Food Plaza Vendor” is a mobile food vendor, located within a Food Vendor Plaza, which offers food items for sale from a vehicle which is propelled by motorized or bicycle propelled means.

“Food Vendor Plaza” is the public location for two or more mobile food vendors for an indefinite period of time.

“Income” means the net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for net operating loss carry-forward or carry-back.

“License or Permit” means the permission granted by the City under this Title to operate, engage, conduct, or carry on a business within the City.

“Licensee or Permittee” means an applicant who has received a business license or permit under this Title.

“Mobile Vending Unit” is a vehicle or other conveyance that is self-propelled, upon a street or highway and within which food is prepared, processed, or dispensed to consumers or other items are available for sale.

“Mobile Vendor” is a mobile vendor which offers food or other items for sale from a Mobile Vending Unit.

“Mobile Vendor Permit” is a permit issued by the City of Boardman for the mobile sale and service of goods. Said Permit contains preconditions, which are established herein, for a mobile vendor business license, which may be referred to as “Permit.”

“Non-profit organization” means any business or organization which is exempt from taxation under the United States Internal Revenue Code and produces a determination letter of proof thereof.

"Permanent location" means professions, trades, occupations, shops for every kind of calling carried on for profit, personal gain, trade or barter and livelihood at a fixed or permanently established place of business maintained within the city.

“Person” means the singular and plural of an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

“Rights-of-way” means the public streets, alleys, avenues, thoroughfares, highways, places, and grounds located within city which are owned and controlled by city.

“Sidewalk Vendor” is a mobile vendor which offers food or other items for sale from a Mobile Vending Unit, and which can or does routinely change location, and which is located within the public right-of-way and/or property owned by a public entity.

“Sidewalk Vending Unit” is a vehicle or other conveyance that is pushed or can be pulled upon a street or highway and within which food is prepared, processed, or dispensed to consumers or other items are available for sale.

“Special event” includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the city under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and public dances.

“Taxicab” is any motor vehicle which carries passengers for hire when the journey originates in the city and where the destination and route may be controlled by passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled, waiting time, or a flat fee. Any vehicle which has an appearance deceptively like a taxicab is a taxicab for the purposes of this chapter. For the purposes of this Chapter a “taxicab” is treated in the same way as a ride share service such as Uber or Lyft with those services also needing to obtain a permit and meet the same or similar requirements.

“Transient Merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in

connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.”

5.04.040 – Businesses or Activities Required to be Licensed, Permitted, and Regulated.

- A. Except as exempt under Section 5.04.050 below, it shall be unlawful for any person to conduct business or a special event within the City without first having obtained the necessary licenses or permits for the current year as provided under this chapter.
- B. A person engaged in business in more than one location, or in more than one business licensed or permitted under this Chapter shall make a separate application and pay a separate license fee for each business or location, except as otherwise provided in this Chapter. Some businesses under this ordinance may be required to obtain more than one license or permit such as a Mobile Food Vendor.
- C. If more than one business is conducted on the same premises, each business must obtain a separate license.
- D. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a business within the City of which a license or permit fee is levied by this Chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license or permit fee and will be subject to the penalties for failure to comply with the requirements of this Chapter.
- E. The City may require proof of state registration. An applicant shall possess any county or state license or permit required or shall be awaiting final approval by the state before a City license or permit will be issued.
- F. No person shall do business within the City as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid City business license or permit for the business, no matter where the principal offices of that business are situated.
- G. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license or permit in accordance with the provisions of this chapter.
- H. Bed and Breakfast, Vacation Rentals, and Short-Term Rental uses, meeting the applicable provisions of the Boardman Development Code, shall be required to obtain a business license in accordance with the provisions of this chapter.

5.04.050 – Exemptions.

The following are exempt from the licensing and permitting requirements:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors, and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual, provided, however, such exemption will not apply if either of the following conditions are met:
 - 1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
 - 2. Any one such sale has a duration of more than 72 consecutive hours.
- D. Rental of just one dwelling unit for periods of 30 consecutive days or more.

- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.
- F. Persons providing day care services for children in the person's home and in compliance with state law.
- G. Any person who goes into the home of a child to give care during the temporary absence of the parent, legal guardian, or custodian.
- H. Transient Merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- I. The occasional sales of goods and/or services by local school students related to their school and/or school activities, and/or fundraising sales by local service clubs, groups, and/or charitable nonprofit organizations.
- J. Any political group seeking funds or membership.
- K. The sale of goods, merchandise, and/or food in, on, and/or about a right-of-way directly adjacent to the licensed brick and mortar business conducting the sale.
- L. The following must obtain a business license but are exempt from payment of the license fee:
 1. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.
 2. Any business exempt from paying local business license fees or taxes by Federal or State constitution or law.
 3. Any business exempt from paying property tax.

5.04.060 – Application Requirements.

Each person desiring to engage in doing business or hosting a special event must apply for a license or permit to operate, engage, conduct, or carry on the business or special event on such forms and in such manner as the Business License Administrator may prescribe. Applications are submitted online via the City of Boardman website, through an online application portal. The application must be accompanied by the applicable license or permit fee as established in the City of Boardman Master Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;
- B. The name and physical address of the business, the address where the business will be located or have its office within the City, and the address of the principal office of such business;
- C. A brief description of the nature of the business, including its primary or predominant business activity;
- D. The date that business operations will commence;
- E. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent applying on behalf of the applicant;
- F. The average number of persons regularly employed;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605;
- I. Identify any local, state, or federal licenses, certificates, registrations, or permits that are required for the business and submit those licenses, certificates, registrations or permits as part of the application;
- J. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant, of the following:
 1. The information stated in the application is true, accurate and complete;
 2. The business complies with all applicable federal, state, and local laws, regulations, and ordinances;

3. The applicant or authorized agent has read, understands, and agrees to abide by this Chapter; and
 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant;
- K. A notice that the application is a public record, and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505) and other applicable laws; and
 - L. Any other information necessary to enable the Business License Administrator or designee to review the application to determine whether the application should be approved.
 - M. Any other information necessary to review the applications for transient merchants, special events, and mobile food vendors.
 - N. Once the application is received the application fee will be requested and shall be paid prior to any license or permit under this chapter will be issued.

5.04.070 – Business License Requirements

- A. All businesses within the City of Boardman shall obtain and maintain a Business License or other Permit as required under this Title unless expressly exempted in 5.04.050.
- B. The following business types may be requested to provide additional information as part of their application for a business license:
 1. Merchant Police
 2. Detective Business
 3. Pawnbrokers
 4. Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers, and Secondhand Dealers

5.04.075 – Contractor’s Project License

A Construction Project is any activity for which registration with the Oregon Construction Contractor’s Board is required and for which a building permit has or will be issued. The prime or general contractor may obtain a Construction Project License for a project as an alternative to obtaining a Business License for each subcontractor engaged in the Construction Project. The Construction Project License is valid for the life of the project. In addition to the Business License application requirements the following information shall be provided:

- A. A description of the Construction Project.
- B. The name and CCB number of the applicant and of each subcontractor engaged in the Construction Project.
- C. The location of the Construction Project.
- D. The anticipated duration of the Construction Project.

Amendments or supplements to the application can be made during the project to add or remove subcontractors and to extend the length of the Contractor’s Project License should it be necessary. The Contractor’s Project License is applicable to a single project and is issued in lieu of a Business License for the general and each sub-contractor working on the Construction Project.

5.04.080 – Transient Merchant Requirements

Transient merchants shall not be permitted in residential zones within the City of Boardman. In addition to the application requirements stated above the following additional information shall be submitted for review.

- A. A description of the nature of the business operation the applicant will conduct.
- B. The location from which the applicant will operate.
- C. The length of time the applicant will conduct the business.
- D. The hours of operation.
- E. Proof of general liability insurance and proof of products liability and errors and omissions insurance if applicable to the type of business being conducted.

5.04.085 – Taxicab and Ride Share Requirements

It is the purpose of this chapter to require that those persons operating taxicabs and other ride share services do so in a safe, fair and efficient manner. The taxicab industry constitutes an essential part of the region's transportation system, and transportation so fundamentally affects the well-being of the regions citizens that some regulation is necessary to ensure that the public safety is protected, the public need provided for, and the public convenience promoted. The provisions contained herein should be applied and enforced in such a manner as to require the taxicab industry to regulate itself, under city supervision, to promote innovation and adaption to changing needs, and respond to economics of the marketplace, so long as the public interest is served.

- A. Taxicab Company Certificate Required; Exemptions.
 - 1. No person shall operate any taxicab or ride share in the City of Boardman without possessing, in addition to any license required by any other law, a valid taxicab or ride share company certificate issued pursuant to this chapter. A certificate may not be sold, assigned, mortgaged or otherwise transferred.
 - 2. Exemptions to certificate requirement.
 - a. Public transportation provided and funded in whole or in part by public organizations shall be exempt from the permit requirements of this chapter.
 - b. Services provided for the exclusive purpose of providing transportation to and from medical facilities.
 - c. Courtesy shuttles provided by hotels, motels, and residential care facilities as a convenience for registered guests or residents, where no additional charges apply.
- B. Application Required. In addition to the information required for a Business License the following information shall be provided:
 - 1. The make, type, year of manufacture, VIN number, and seating capacity of each vehicle that will be operated as a taxicab.
 - 2. A description of the color scheme, insignia, trademark, or any other distinguished characteristics of the vehicle design. Pictures can be submitted. For ride share contractors the logo or label of the ride share company shall be prominently displayed.
 - 3. A list of any violation, misdemeanor, or felony convictions, the nature of the offense, and the punishment or penalty assessed for the owner(s) and/or any officers of the company.
 - 4. Proof of insurance in the manner and form required by this chapter from a responsible, solvent insurance carrier authorized to issue public liability and property damage insurance in the State of Oregon.
 - 5. All taxicab and ride share applications will be subject to review by the Police Chief or designee to include investigation within 60 days from the time application is made. The Police Chief or designee will provide his written report to the Business License Administrator prior to issuance of the License.
- C. Issuance and renewal. The Business License Administrator will issue the License in sufficient

quantity to allow all taxicab or ride share vehicles to display the License in a prominent location within the taxicab or ride share vehicle. Annual renewals will require resubmittal of the items listed above with investigations limited to issues related to accidents or complaints.

- D. **Minimum Standards for Taxicab Companies.** Any taxicab company operating under a certificate issued pursuant to this chapter shall comply with the following minimum standards:
1. A dispatch system in operation 18 hours each day capable of providing reasonably prompt service in response to requests received.
 2. Facilities and personnel sufficient to ensure that every taxicab operated by the taxicab company complies with the requirements of this chapter.
 3. Insurance policies in force sufficient to meet the requirements of this chapter and to protect the taxicab company to the same limits of liability.
- E. **Equipment.** Every taxicab is to be equipped with the following:
1. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer.
 2. Taxicabs charging flat rates must be equipped with a sign that states "Flat Rate" in a conspicuous location visible to the customer inside the taxicab.
 3. Exterior markings or equipment identifying the vehicle as a taxicab.
 4. The company name and telephone number where service can be requested displayed on the exterior of the taxicab.
 5. A current copy of the taxicab company certificate with the approved vehicle's vehicle identification number (VIN) displayed within the vehicle where it is visible to the customer.
 6. A notice providing information necessary to file a complaint as required by the Chapter.
 7. All safety equipment required by federal law, state law, or this chapter.
- F. **Insurance and Indemnification.**
1. No person shall operate any vehicle as a taxicab unless that vehicle is covered by commercial liability insurance providing coverage of not less than the limit on liability of local public bodies for personal injury and death as established by the Oregon Tort Claims Act. Liability coverage shall be provided on an "occurrence" not "claims" basis. A certificate of insurance coverage, providing evidence that insurance coverage is in compliance with this section, shall be filed with the Business License Administrator. The City of Boardman, its officers, employees, and agents shall be named as additional insureds.
 - a. The limits of insurance coverage required for taxicab companies under this section shall be subject to any changes regarding the minimum limits of liability insurance of local public bodies for personal injury and death as established by the Oregon Tort Claims Act.
 - b. Insurance policies for all vehicles operating as taxicabs shall contain a provision that the policy will not be reduced in coverage or canceled without 30 days prior written notice to the Business License Administrator.
 - c. Failure to maintain adequate insurance as required under this section shall be cause for immediate suspension or revocation of a taxicab company certificate.
 2. All taxicab companies and drivers that receive a certificate or a permit shall, to the extent permitted by law, agree to defend, indemnify and hold harmless the city, its officers and employees from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from any claims for damages to property, or injury to persons, which may occur in connection with the operation of a taxicab company or a taxicab under the terms of the

certificate or permit.

3. Ride share contractors shall provide evidence of insurance in conformance with the primary ride share company or organization's requirements and if they receive a certificate or permit shall, to the extent permitted by law, agree to defend, indemnify and hold harmless the city, its officers and employees from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from any claims for damages to property, or injury to persons, which may occur in connection with the operation of a ride share vehicle under the terms of the certificate or permit.

G. Approval of Drivers. It is unlawful for any person to operate a taxicab or ride share in the City of Boardman without a taxicab or ride share driver permit issued by the Business License Administrator and reviewed by the Police Department in accordance with the terms of this Chapter.

1. Application for a taxicab or ride share driver permit is to be made to the Business License Administrator, through the CitizenServe platform, accompanied by the fee established by resolution of the City Council. The applicant must provide a certified copy of the applicant's department of motor vehicle records and a copy of the applicant's driver's license. When the Business License Administrator receives the application, they shall request the Police Chief or designee that such investigation of the applicant's background as necessary to verify that each taxicab driver issued a permit:
 - a. Is 21 years of age or older;
 - b. Within the last ten years, has not been convicted of any crimes involving moral turpitude or dishonesty except there is no time limit for any convictions involving sex crimes as defined by ORS [801.105](#), theft in the first degree, fraudulent use of a credit card, identity theft or any crime classified as a person felony as that term is defined in the rules of the Oregon Criminal Justice Commission unless the conviction has been set aside pursuant to ORS [137.225](#) or another state's similar proceeding;
 - c. Possesses a valid Oregon driver's license;
 - d. Has not had his or her driver's license revoked by any state within the last five years; and
 - e. Did not make any false statements in the application.
2. If the Business License Administrator based upon the Police Chief's input determines that the applicant meets the requirements of this section, the Business License Administrator may issue the permit. The permit expires one year from the date of issuance and may be renewed from year to year by filing a renewal application with the Business License Administrator. The fee for a renewal permit shall be set by resolution of the City Council. Failure to renew a license before expiration of the current taxicab or ride share driver permit shall result in late fees.
3. *Denial of permit.* No permit shall be issued or renewed to any person if the city determines, after a review of a person's traffic or criminal record, and any other information the city deems pertinent, that the public health, welfare, and safety would not be served by the issuance or renewal of a permit to that person. If the application is denied, the applicant may, within seven days of notification of the denial by the city, appeal the matter as outlined in this Title.

H. Operating Regulations of Taxicab and Ride Share Companies and Drivers.

1. *Taxicab or Ride Share companies.* A taxicab or ride share company shall not:
 - a. Allow persons to operate taxicabs who do not have a valid Oregon driver's license, or who have had their driving privileges suspended any time within the past 12 months.
2. *Taxicab and ride share drivers.* A taxicab or ride share driver shall not:

- a. Transport a passenger to his or her destination by any other than the most direct and safe route, unless requested to do so by the passenger;
 - b. Fail to give a correct receipt upon payment of the correct fare if requested to do so by the passenger;
 - c. Permit additional persons to occupy or ride in the taxicab or ride share vehicle without consent of the original passenger;
 - d. Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab or ride share service company when the taxicab or ride share vehicle is not already in service, and who is able to demonstrate the ability and willingness to pay the fare;
 - e. Charge a fare higher than the posted rates, or try to defraud a passenger in any way by manipulating devices to cause a registration to be made of a greater distance or more time.
- I. Cancellation, Suspension, Revocation, or Appeal of Permit or License.
- 1. Any taxicab company or ride share vehicle certificate may be suspended or revoked by the Business License Administrator if the Business License Administrator finds after a reasonable investigation verifying that any one or more of the following conditions exists:
 - a. A taxicab company or ride share contractor, or any of the company's owners, employees, or agents, has violated any of the provisions of this chapter or any other ordinance of the City of Boardman, or any of the laws of the state of Oregon.
 - b. The taxicab company or ride share contractor ceases to operate any taxicab or ride share for a period of 15 consecutive days without obtaining permission for the cessation of such operation from the city.
 - c. The taxicab company or ride share contractor fails to pay any of the fees or payments required to be paid by the provisions of this chapter.
 - d. The suspension or revocation is necessary to protect the public health, safety, and welfare generally, or the safety of the taxicab or ride-sharing public in particular.
 - 2. Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefor and the right to appeal the decision as allowed by this Title.
 - 3. Except as provided below, any suspension or revocation shall be effective at least ten days after mailing a copy thereof by first class United States mail addressed to the taxicab company and/or taxicab or ride share driver at the business or residence address shown on the permit application or renewal.
 - 4. Notwithstanding subsection (2) of this section, a suspension or revocation may be made effective immediately if the city finds reasonable grounds to believe that:
 - a. A person holding a taxicab or ride share driver's permit is not covered by liability insurance as required by this chapter;
 - b. A vehicle being operated as a taxicab or ride share vehicle is not covered by liability insurance required by this chapter; or
 - c. Continued operation by the taxicab company, taxicab driver, or ride share driver would cause, or is likely to cause, imminent danger to the public health, safety, or welfare.
- J. Rates. A flat fare remains constant regardless of the distance traveled or the time involved. Except for a taxicab or ride share charging a flat rate, the rates to be charged to passengers are to be based on the factors of mileage from the point of origin to the point of destination by the most direct route, the time involved, and the number of passengers. No taxicab or ride share may charge any fees or rates other than those that are posted.

- K. Complaints.
 - 1. Every taxicab or ride share shall have posted in a prominent place within the passenger compartment a notice entitled "Complaints" setting forth the address and telephone number of the taxicab or ride share company to which complaints should be directed and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request.
 - 2. Taxicab or ride share companies shall maintain a record of all complaints received either in writing or by telephone.
- L. Violation; Penalty.

Any person who violates a provision of this chapter commits a Class B violation.

5.04.090 – Special Event Requirements

Any use or event not meeting the definition of "Special Event" shall be deemed to be a use subject to review under the Boardman Development Code. Any permit shall be issued to the sponsor of the special event and shall be limited to the stated duration of the event and not exceed 10 days. The application must be submitted through CitizenServe at least 30 days prior to the first day of the special event. If alcohol will be available as part of the special event proper application to the Oregon Liquor Control Commission shall be obtain with approval by the City Council. The City Council meets the first Tuesday of each month with information for action required at least one week prior to the meeting. This timing should be accounted for when making an application for a Special Event. All special events will be reviewed by an interdisciplinary team that may include, but not be limited to, Planning, Building, Public Works, Police, and Fire Marshall.

The following shall be submitted with any application for a special event.

- A. Dates and times of the event.
- B. Anticipated number of attendees.
- C. All locations that will be used for the event. This shall be represented as a map of a scale to adequately show the area(s) impacted and will include event location, parking, staging areas, and any parade or other impacted roadways.
- D. Route of any parades or other event components that would occur within public right-of-way.
- E. Location of any beer garden or other location where alcoholic beverages would be available.
- F. OLCC Permit or proof of permit submittal.
- G. Traffic plan.
- H. Parking plan.
- I. Safety and security plan. This should also address noise, lighting, or other impacts that the event may create.
- J. Waste management plan. This should address both human waste and trash.
- K. Proof of any other necessary licenses or permits. If mobile vendors will be a part of the event each vendor will also need to obtain a mobile vendor permit under this Chapter.
- L. Proof of liability insurance.

All special events shall comply with the following:

- A. All local and state laws, including but not limited to regulations and standards imposed or enforced by the Boardman Municipal Code and Boardman Development Code not outlined in this Chapter.
- B. All waste shall be disposed of in compliance with all city, county, and state standards, and may not be poured into sewer or storm drains or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the permit.

- C. No special event will be permitted:
 1. Within the required landscape or setback area of the property.
 2. That blocks vision at street intersections.
 3. That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic.
 4. That blocks entrances or exits from buildings.
 5. That blocks a driveway or otherwise impedes the flow of vehicular traffic.
 6. Within 10 feet of any disabled parking space or access ramp.
 7. Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station.
 8. Within any service or fire drive of a parking lot.
 9. In a location that conflicts with any fire or safety code regulation.
- D. The Business License Administrator may impose conditions of approval on the permit that are necessary to comply with the requirements of the permit and this Chapter. In determining whether to grant or deny a permit, or in setting any conditions of approval, the Business License Administrator shall consider:
 1. The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks, and areas open to the public.
 2. Any documented history of problems with an applicant or event previously held.
 3. Suitability of the premises for the type of activity applied for.
 4. Compliance with all applicable local and state laws, codes and regulations, and the standards set forth in this Section and this Chapter.
- E. The conditions applicable to a permit may include the right of the city to inspect the premises. If the permittee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the permit shall be revoked, without refund.
- F. The Fire Marshal shall have the authority and discretion to set general policy for fire safety, including inspections, and to determine the specific fire safety requirements and require a fire safety inspection for any individual special event. Whenever, in the opinion of the Fire Marshal, it is necessary for public safety at a special event, the Fire Marshal may require the special event permittee to contract with the City for standby fire watch through the City's Fire Department. The permittee shall be responsible for paying the City's fee for such coverage and the permittee shall execute a contract for the services as a condition to receiving the special event permit.
- G. The Building Official shall have the authority and discretion to require structural inspections for any temporary structure.
- H. All permittees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the State of Oregon. The liability insurance shall apply to, and provide coverage for, all claims for bodily injury and property damage arising from or caused by the use for which the permit is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.
- I. All permits shall include a condition of approval requiring the permittee to reimburse the City the costs incurred by the Police Department and Fire Department in responding to the special event. Payment must be made to the City within 30 days of the date of the City's invoice. In any action to collect unpaid balances, the City is entitled to collect its costs and attorney fees.

5.04.100 – Mobile or Sidewalk Vendor Permit Requirements

- A. Mobile or Sidewalk Vendors are not allowed in areas zoned for Residential Use unless a

neighborhood commercial area has been designated and at least one other commercial use has been authorized and permitted.

- B. No person may operate a Mobile or Sidewalk Vending unit within the City of Boardman without first procuring a business license pursuant to this Title as a person selling merchandise and/or service to the public.
- C. No person may be granted a City of Boardman Business License for a Mobile or Sidewalk Vendor without first obtaining a Mobile or Sidewalk Vendor Permit from the Business License Administrator. An application for the Mobile Vendor Permit must specify that the applicant is one of the following:
 - 1. Mobile Vendor
 - 2. Sidewalk Vendor
 - 3. Plaza Vendor
- D. Additional information provided as part of the application for a Mobile Vendor are as follows:
 - 1. Evidence of liability insurance.
 - 2. If a food vendor, evidence that the Morrow County Health Department or other applicable state or local agency has approved of the use.
 - 3. Drawings and/or photos of the proposed unit.
 - 4. List of all general items or categories the vendor proposed to offer.
 - 5. Specific location(s) for use of the permit.
 - 6. Authorization from the landowner(s) for placement of the mobile vending unit. Mobile vending units cannot be placed in public right-of-way. Sidewalk vending units can be placed on public streets through this permitting process.
- E. Vendor Plazas: The development of a Vendor Plaza will require review and approval through provisions within the Boardman Development Code.
- F. Mobile Vendor General Standards: All mobile vendors shall comply with the standards as established by this section.
 - 1. Operation of a mobile unit shall conform with all applicable laws and regulations, including zoning and land use requirements as established in the Boardman Development Code.
 - 2. A mobile or sidewalk unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways, or drive aisles of any off-street parking area, and shall be located to not create a traffic or safety hazard.
 - 3. All mobile units which are parked in a stationary location for a period of 72 hours or longer shall provide screening for all conduit, tanks, and storage areas from all public areas and streets by sight-obscuring fencing and/or temporary landscaping and skirting shall be provided along the perimeter of the mobile unit.
 - 4. Mobile units are not permanent structures and must remain capable of easily being moved.
 - 5. Mobile unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within 20 feet of the mobile unit when conducting business. Trash cans or other trash containers shall be available for customer use.
 - 6. Mobile food units may only operate in zones where food services are allowed as a permitted use based on the Boardman Development Code.
 - 7. A mobile unit may only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met.
- G. Sidewalk Vendors: The use of the right-of-way or public property will not interfere with existing utilities, pedestrian use, or pose a hazard to vehicular traffic. The use shall be consistent with the use for which the property is zoned. The location shall be limited to that which was approved on the Mobile Vendor permit.
- H. Mobile Vendor Location Additional Standards:

1. Subject to exception of Special Events as outlined in 05.040.090, a Mobile Vendor may only operate in an approved space where the off-street parking requirements for all uses or activities served by the off-street parking area are met. The location of a Mobile Vendor shall not result in the parking area being reduced to less than the minimum amount of required parking spaces for the existing business or shared businesses served by the parking lot.
2. The location standards of Subsection 1 do not apply to Mobile Vendors which operate as part of an approved community event or where a Mobile Vendor is allowed pursuant to a Special Event permit.

5.04.110 – Application Review.

The Business License Administrator may refer each application to the persons or departments designated by the Business License Administrator for review. The license or permit may not be issued if the business as described in the application would not comply with this Title, or other City Codes. Issuance of the license or permit itself does not mean the applicant has complied with all Federal or State laws, and if it is later determined that the applicant has failed to comply with any Federal or State law and fails to correct such violation within thirty (30) days the applicant's license or permit may be revoked as described herein.

5.04.120 – Fee Schedule

- A. An annual license or permit fee is imposed on the act of doing business within the city. The City Council will annually establish the fees provided for in this chapter as part of the Master Fee Schedule.
- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 1 of the respective year.
- C. Nothing contained in this chapter shall vest any right in a license or permit as a contract obligation on the part of the city as the amount of the fee. The fees required by this Title may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall pay the license or permit fee prescribed for each of the businesses, except as specifically provided by this Title.

5.04.130 – Approval Process.

- A. Approval of Application.
 1. The Business License Administrator shall issue a decision on an application for a license or permit within 30 days of the submission of a complete application and required fee upon a finding that the applicant has submitted all of the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local laws.
 2. The Business License Administrator shall issue a license or permit renewal upon finding that the applicant has submitted all of the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local law.
 3. If an application for a new license or permit is approved, the Business License Administrator shall notify the applicant through CitizenServe, the online application portal. The notice shall state any conditions or limitations placed on the license or permit as a condition of maintaining the license or permit which the Business License Administrator or other review staff deems necessary to protect the public health, safety, or welfare which is required by this Title and applicable federal, state, or local law.

5.04.140 – Denial, Suspension, or Revocation.

- A. Denial, Suspension, or Revocation of Application. The Business License Administrator may deny,

suspend, or revoke a license or permit issued under this Title upon finding that:

1. The licensee or permittee fails to meet the requirements of, or is doing business in violation of this Title and/or federal, state, or local laws;
 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license or permit;
 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed or permitted activity without endangering property or the public health or safety;
 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed or permitted activity; or
 5. The licensed or permitted activity would endanger property or the public health or safety.
- B. Notice. The Business License Administrator shall provide written notice to the applicant or licensee or permittee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee or permittee of the right to appeal under 5.04.150 of this Title. For suspensions or revocations, the notice shall be given at least 15 days before the action becomes effective. If the violation ends within 15 days, the Business License Administrator may discontinue the suspension or revocation proceedings.
- C. Reapplication. A person whose application for a business or activity license or permit that has been denied, suspended, or revoked, may, after 90 days from the date of the denial, suspension, or revocation, apply for a license or permit or reinstatement upon payment of the application fee and submission of a complete application.
- D. Disqualification. A person whose application for any license or permit under this Title that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions, or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the final denial, suspension, or revocation.
- E. Summary Suspension. Upon determining that a licensed or permitted activity presents an immediate danger to a person or property, the Business License Administrator or designee may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee or permittee or being delivered to the licensee or permittee's business address as stated on the application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee or permittee of the provisions for appeal as outlined in 5.04.150.

5.04.150 – Appeal.

In the event an applicant for a license or permit under this Title is denied such license or permit, or in the event a license or permit is suspended or revoked, the applicant or licensee or permittee shall have the right to appeal.

- A. The written notice of appeal to the City Manager shall be filed with the Business License Administrator within 14 days after the license denial, suspension, or revocation.
- B. The appeal shall state:
 1. The name and address of the applicant;
 2. The nature of the determination being appealed;
 3. The reason the determination is incorrect; and
 4. What the correct determination of the appeal should be.
- C. The City Manager or designee shall review and decide in regard to the appeal within 15 days of filing.
- D. Final appeal, if filed by the applicant, shall be filed with the City Manager's office to be heard by the Boardman City Council. The Boardman City Council will hear the appeal at the next regular meeting

of the City Council for which there is adequate time to include the appeal information in the Council Packet. The decision of the City Council on the appeal shall be final and conclusive.

5.04.160 – Posting and Display of License or Permit.

A licensee or permittee shall post the license or permit in a conspicuous place upon the business premises, available for inspection by the public and any employees and prospective employees of the business. When the licensee or permittee has no office, business premises or other established place of business within the City, the license must be in the possession of the agent or representative of the business who is present in the City at all times during which business is being transacted by the agent or representative in the City. If a licensed or permitted business is based in a motor vehicle, a photocopy of the license must be carried in the motor vehicle.

5.04.170 – Violations and Penalties.

- A. Any person convicted of violating any of the provisions of this Title shall be punished by a fine as determined in the Consolidated Fee Schedule for any one offense, each day constituting a separate offense.
- B. Offenses under this chapter shall be tried in the Morrow County Justice Court as a violation and not as a crime. As a violation there is no right to a jury trial or court-appointed counsel.
- C. Entity responsibility. An individual person and other entities may act in violation of this Title. If the party acting in violation of this Title is an entity, the entity shall be subject to fine, abatement or other penalties allowed by this Title and by law. In such cases where an entity is the offending party, a citation may be served upon the entity by serving an owner, officer, a person in charge of the premises, or any person or firm designated as an official or agent of the entity. The entity shall be named on the citation. The citation shall require appearance by a representative of the entity at the time indicated on the citation. If a representative fails to appear as required by the citation the city attorney may seek appropriate remedies for the failure to appear and default against the officers, owners and agents of the entity. For application of this section, the term "entity" shall also include corporations, partnerships, limited liability companies or partnerships, associations, sole proprietorships, and other forms of entities.
- D. Evidence of doing business. In a prosecution for a violation of this Title, evidence that the business made a public representation, by way of newspaper, radio, television or similar media advertisement or by signs conspicuously displayed for public view, that the business was being conducted, expressly or impliedly offering to sell goods or services in the course of the business to the public, shall constitute prima facie evidence that the business was transacting the business suggested by the public representation within the city on the date or dates during which the representations were made.
- E. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this Title, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this Title, officials for the enforcement or administration of this Title, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the city will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.
- F. Abatement. Any business which is established, operated, moved, altered, enlarged, or maintained contrary to the licensing or permitting requirements of this Title shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.

- G. Legal Proceedings by City Attorney. In addition to the enforcement provisions of this Title, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this Title.