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GENERALLY

31.005. License Required. A current and valid license issued pursuant to the provisions of SRC chapter 30 shall be required for any business or vocation defined in this chapter. (Ord No. 74-73)

31.010. Applications for Vocation Licenses. In addition to that information required by SRC 30.030, applications for vocation licenses required by this chapter shall contain:

- (a) The date and place of birth of the applicant;
- (b) The physical description of the applicant, including height, weight, color of hair and eyes, and identifying scars and marks;
- (c) Every alias, assumed name, and any previous legal name which has ever been used by the applicant or by which the applicant has been known;
- (d) Every residence address or the applicant for the five years immediately preceding such application;
- (e) A list of all criminal offenses other than minor traffic offenses but including major traffic offenses as defined by ORS 484.010(5) of which the applicant has ever been convicted, together with the dates and places of such convictions;
- (f) Every vocation, and the name and address of each employer, at which the applicant has worked for the five years immediately preceding the application;
- (g) If the vocation for which the license is sought is to be carried on as an employee, the name and address of the employer;
- (h) Whether or not the applicant has ever been discharged from a position of trust, or has ever been bonded in connection with a business or vocation and such bond has been revoked, forfeited, or executed upon by reason of such applicant's conduct, together with an explanation of the dates and circumstances surrounding such discharge or action on such bond, and the name and address of the surety on such bond;
- (i) The names of at least three persons residing within the state of Oregon who can give informed account of the business and moral character of the applicant;
- (j) Any other information specifically required by any provisions of this chapter in connection with an application for a license to engage in a particular vocation. (Ord No. 131-65; Ord No. 74-73; Ord No. 4-98)

31.012. Applications for Business Licenses. In addition to that information required by SRC 30.030, applications for business licenses required by this chapter shall contain, with respect to each natural person whose name is required to be furnished in the application pursuant to SRC 30.030, that information required of an applicant for a vocation license as provided in SRC 31.010(a), (c), (d), (e), (h), (i), and (j). (Ord No. 74-73)

31.020. Investigation of Applicant. Upon receipt of an application for any license required by SRC 31.005, the director shall refer the same to the Chief of Police and to any other specified city official for investigation of the applicant's business and moral character and of the statements contained in the application as may be necessary for the protection of the public health, safety, and welfare, and to determine whether any cause exists for denial of the license. Such investigation may include the fingerprinting of any natural person whose name is required to be furnished in the application pursuant to SRC 30.030. (Ord No. 131-65; Ord No. 74-73; Ord No. 4-98)

31.032. Report of Investigation. The Chief of Police any other specified city official shall, upon concluding any investigation pursuant to SRC 31.020, prepare a report of his findings and submit the same to the director, recommending either issuance or denial of the license. Such recommendation shall be considered by, but shall not be binding upon the director. (Ord No. 74-73; Ord No. 4-98)

AUTOMOBILE RACE TRACKS

31.081. Defined. "Automobile race track" means any premises or place operated by a business where there are regularly or seasonally conducted contests between motor vehicles including motorcycles, "go-carts" and other similar vehicles, wherein there is competition with respect to some aspect of vehicle locomotion by which the vehicles or their drivers may be rated with relation to each other or to some standard, and where the general public is admitted upon presentation of an admission fee or some token of admission. (Ord No. 161-71; Ord No. 74-73)

31.082. Application. In addition to the information required by SRC 30.030 and 31.012, the application for an automobile race track business license shall set forth the following information:

- (a) The names and residences addresses of all persons who will act as track officials, such as starters, timers, and judges, and are regularly employed by the business.
- (b) A schedule of the days and hours during which contests will be conducted, including those days and hours when unmuffled gasoline engines will be used.
- (c) A schedule of the days and hours during which practice will be allowed, including those days and hours when unmuffled gasoline engines will be used for practice.
- (d) A description of the provisions made for compliance with the standards set forth in SRC 31.087. (Ord No. 161-71; Ord No. 74-73)

31.083. Review of License Application. In addition to the investigation required by SRC 31.020, the following review of the applicant and business shall be conducted before a license is issued:

- (a) The Chief of Police shall review the application, and shall conduct such further investigation the Chief deems necessary, to determine whether the applicant has made adequate provision for:
 - (1) The safe and expeditious movement of traffic going to and from the race track, including provision for parking, traffic control officers, lighting, and signs to eliminate unreasonable confusion, congestion, and hazard to traffic on the public streets; and
 - (2) The orderly movement and accommodation of spectators, control of disorderly persons or groups, and restriction of the competition area to officials, participants, and their crews.
- (b) The Building Official and Fire Code Official shall review the application and conduct such further investigation and inspection they deem necessary, to determine whether the buildings, grounds, and facilities to be used in connection with the business, meet all applicable provisions of Title V of this Code, and whether the premises are designed or equipped with adequate fences, walls, screens, shields, abutments, or other facilities to afford reasonable assurance that spectators and persons and property in the vicinity of the race track will not be subjected to unnecessary risk of injury or damage from fire, collision, or other hazards inherent in motor vehicle racing.
- (c) The Director shall review the application, and shall conduct whatever further investigation the Director deems necessary, to determine whether the schedule of contest and practice hours conform to the provisions of SRC 31.085 and SRC 31.086. (Ord No. 161-71; Ord No. 72-74; Ord No. 4-98; Ord No. 35-06)

31.085. Hours Permitted for Operation. Scheduled contests and practice sessions at a licensed automobile race track shall be permitted on the following days and hours:

- (a) Contests may be conducted on Fridays and Saturdays between the hours of 6:00 p.m. and 11:00 p.m., and on Sundays between the hours of noon and 6:00 p.m.
- (b) Practice sessions may be conducted on Saturdays between the hours of noon and 11:00 p.m., and on Sundays between the hours of noon and 6:00 p.m.
- (c) Notwithstanding the provisions of subsection (a) of this section, contests may be

conducted on the eve of any national or state holiday between the hours of 6:00 p.m. and 11:00 p.m., and on such holiday between the hours of 12:00 noon and 6:00 p.m. unless such holiday falls on a Friday, or unless the day following such holiday is also a national or state holiday, in which cases contests may be conducted between the hours of 12:00 noon and 11:00 p.m. As used in this section, "national or state holiday" means any holiday designated by executive proclamation or legislative resolution, and on which federal or state offices are not open for normal business. (Ord No. 161-71; Ord No. 79-74)

31.086. Prohibited Hours. No automobile racetrack licensee shall operate or permit the operation of any motor vehicle in the competition, practice, pit, shop, or garage area of an automobile racetrack between the hours of 11:00 p.m. of any day and 8:00 a.m. of the following day. (Ord No. 161-71; Ord No. 74-73)

31.087. Standards of Conduct. Every licensed automobile racetrack shall be operated and supervised so as to conform to the following standards:

- (a) Compliance with all applicable provisions of Titles III and V of this Code.
- (b) Compliance with all applicable statutes and administrative regulations of the State of Oregon concerning air and noise pollution.
- (c) Compliance by the owner, operator, race officials, and other employees while acting in the course of their employment with all laws of the State of Oregon, the United States, and all provisions of this Code.
- (d) Conduct of the business, contests, promotion, advertising, and all matters related thereto in such a manner not to unreasonably tend to deceive or mislead the public or participants in contests, or in a manner which is contrary, inimical, or detrimental to the public health, safety, morals, or welfare.
- (e) Maintenance of adequate facilities for the regulation and control of traffic coming to or going from the racetrack, including but not limited to parking, driveways, lighting, signs, and traffic control officers so as to eliminate unreasonable confusion and congestion, and to assure the safe and expeditious movement of traffic on the streets.
- (f) Maintenance of adequate facilities for the protection and safety of persons and property in and about the vicinity of the racetrack including adequate fences, walls, abutments, screens, and other facilities to afford reasonable protection from fire, flying glass, metal, and debris, motor vehicles leaving the competition area, and other hazards inherent in motor vehicle racing. (Ord No. 161-71)

31.089. License of Automobile Racetracks in Residential Districts Prohibited. The director shall issue no license to operate an automobile racetrack in any residentially zoned district within the City, notwithstanding the fact such use may constitute a nonconforming use pursuant to SRC chapter 112. (Ord No. 79-74; Ord No. 186-82; Ord No. 4-98)

31.090. Motor Vehicle Race Tracks. It shall be unlawful for any person to operate or permit to be operated a motor vehicle race track in any residentially zoned district within the city. (Ord No. 80-74; Ord No. 55-84; Ord No. 37-10)

CANVASSERS, SOLICITORS, AND PEDDLERS

31.180. Defined.

- (a) "Solicitor" means any individual who, as or in connection with a business or vocation or both, travels from place to place, house to house, or street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, or other personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future,

whether or not the individual is collecting advance payments on such sales. Such definition shall include any person who, for himself or for another, hires, leases, uses, or occupies any place or premises or any railroad car, boat, wagon, automobile, truck, airplane, or portion of any of them on a temporary basis for the sole purpose of exhibiting samples and taking orders for future delivery.

(b) "Peddler" means any person who, as a business or vocation or both, travels from place to place, house to house, or street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who without traveling from place to place sells or offers the same for sale from a wagon, automobile, truck, railroad car, airplane, boat, or other vehicle or conveyance. Such definition shall not apply to licensees of mobile food units defined in 31.1075 or any person selling products actually harvested from the person's own farm or orchard; nor shall such definition apply to vendors of newspapers upon the street. (Ord No. 131-65; Ord No. 74-73; Ord No. 109-94)

31.200. Connections to Utilities. Connections to utilities shall be approved for a time limited to six months. Any Mobile Food Unit that is found to be in violation of any of the provisions of this chapter or other SRC provision regulating Mobile Food Units shall be subject to a written order from the Building Official to any utility purveyor to discontinue service to such unit. (Ord No. 57-2000)

31.240. Use of Streets by Licensee. No peddler or solicitor licensed under this chapter shall have any exclusive right to any location in the public streets, nor shall the licensee be permitted a stationary location, nor shall the licensee be permitted to operate in any congested area where the licensee's operation might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord No. 131-65; Ord No. 74-73; Ord No. 4-98)

31.250. Evening Solicitation. It shall be unlawful for any person to peddle or solicit as defined in this Code between the hours of 9:00 p.m. of any day and 8:00 a.m. of the following day. (Ord No. 131-65; Ord No. 74-73)

31.285. Engaging Unlicensed Persons.

(a) It shall be unlawful for any person to engage whether by employment, offer of commission, participation in proceeds, or otherwise, any person as a solicitor or peddler as defined in SRC 31.180 unless and until such person so engaged has obtained a license therefor as provided in this Code.

(b) It shall be unlawful for any person to cause or permit any other person who has been engaged as described in subsection (a) of this section to conduct the business, trade, or occupation of a solicitor or peddler after he or she knows or has good reason to know that such person's license therefor has expired, or has been suspended or revoked. (Ord No. 180-71; Ord No. 74-73; Ord No. 4-98)

DANCES AND DANCE HALLS

31.480. Definitions. As used in SRC 31.480 to 31.574, except where the context otherwise requires:

- (a)** "Night club" for which a license is required means any place or premises where:
 - (1)** The general public is permitted to attend and dance upon the condition of the payment or tender of some consideration as defined in this section;
 - (2)** There is a dance floor or space on the premises where dancing to live or recorded music is regularly permitted as defined in this section; and

- (3) The premises or any separate portion thereof where dancing is regularly permitted is not subject of a license to sell or dispense alcoholic beverages issued by the Oregon Liquor Control Commission.
- (b) "Operator" means the person entitled to possession of the premises, as well as such person's officers, employees, or agents who may, from time to time, be in charge of the activities and operations conducted on the premises on behalf of such person. Notwithstanding the provisions of SRC 31.005, no vocation license or business license in addition to a night club license shall be required of an operator.
- (c) "Consideration" means either:
 - (1) An admission fee, cover charge, coupon, or similar token;
 - (2) The purchase of a prescribed minimum quantity of goods, consumables, or services;
 - or
 - (3) Any form of user charge or token for the privilege of dancing, including the deposit by any patron of a coin or token in a "juke box" or other device in order to obtain music for dancing.
- (d) "Regularly permitted" dancing means that either:
 - (1) Dancing is advertised or acknowledged by the operator as being available to patrons at least three days in any month; or
 - (2) Patrons are allowed to dance on the premises on at least three days in any month with the knowledge of and without effective prohibition by the operator. (Ord No. 131-65; Ord No. 74-37; Ord No. 92-83; Ord No.120-84)

31.482. License Exception. The holder of a current dance special events permit issued pursuant to SRC Chapter 42 and any non-profit organization which conducts a dance as an incidental function of its organization and whose building has been constructed to meet structural and fire life safety requirements for dances, shall not be required to obtain a separate night club license because of any dance subject of such a permit, nor shall such permitted dances be considered in determining whether such person operates a night club as defined in SRC 31.480. (Ord No. 74-73; Ord No. 92-83; Ord No. 120-84; Ord No. 31-87)

31.484. Application. The application for a night club license shall contain, in addition to that information required by SRC 30.030 and 31.012:

- (a) The location of the night club and the days and hours of its operation;
- (b) An explanation of all plans for insuring the safety of patrons in the event of fire, explosion, or other emergency, including compliance with all applicable fire prevention provisions of state law and City ordinance;
- (c) An explanation of all plans for controlling traffic and parking on and adjacent to the night club premises so as to insure the safe, speedy, and orderly movement of traffic on the public streets in the vicinity. (Ord No. 74-73; Ord No. 120-84)

31.486. Review of Application. In addition to review of the application by the Chief of Police, each application for a night club license shall be reviewed, and the premises designated by the applicant may be inspected by the Building Official and the Fire Code Official to insure that plans for protection of patrons from fire, explosion, or other emergency are adequate and that the premises comply with all applicable provisions of Title V and Title X of this Code and all applicable Oregon statutes and regulations. (Ord No. 74-73; Ord No. 72-74; Ord No. 120-84; Ord No. 35-06)

31.500. Inspection. All night clubs shall be open for inspection by any police officer or Fire Code Official of the City at any and all times. (Ord No. 131-65; Ord No. 120-84; Ord No. 35-06)

31.512. Conduct of Night Club and Supervision of Patrons. It shall be the duty of every night club operator to provide adequate supervision to insure that:

- (a) No person who is intoxicated or apparently under the influence of narcotic or dangerous drugs is permitted to enter or remain on the premises of a night club;
- (b) No person who is violating any of the provisions of SRC 95.120 is allowed to remain upon such premises;
- (c) All applicable state and local fire codes and the Fire Code Official's regulations administrative rules and procedures are complied with, including "no smoking" areas, the number of persons occupying a structure and the number and accessibility of emergency exits;
- (d) All requirements of SRC 31.480 through SRC 31.570 are complied with by patrons of the night club. (Ord No. 74-73; Ord No. 120-84; Ord No. 35-06)

31.554. Rights of Operator; Refusal to Leave.

- (a) Except as provided in subsection (b) of this section, the privileges of a patron to enter and to remain on the premises of a night club are revocable by the operator at any time and for any or no cause, notwithstanding any consideration paid or tendered by the patron.
- (b) Notwithstanding subsection (a) of this section, no operator shall be entitled to revoke any privilege or demand that any person leave the premises where to do so would amount to unlawful discrimination against such person in violation of any law or ordinance.
- (c) It shall be unlawful for any person to enter or remain upon the premises of a night club after having been refused admission or requested to leave by the operator or an employee of the operator in accordance with this section. (Ord No. 120-84)

31.562. Reentry of Patrons.

- (a) The privilege of being upon the premises of a night club ceases at such time as a patron leaves the building or portion thereof where the night club is being operated. No operator or employee thereof shall permit any patron who has left a night club to reenter or thereafter remain in the night club without first satisfying all conditions as to consideration imposed by the operator on patrons entering for the first time.
- (b) It shall be unlawful for any patron who has left the premises of a night club to reenter or thereafter remain on the premises without first satisfying all conditions as to consideration imposed by the operator on patrons entering for the first time. (Ord No. 120-84)

31.572. Grounds for Suspension. In addition to the grounds for suspension of a business license set forth in SRC 30.120, the following shall be grounds for suspension of a night club license;

- (a) The patrons have become disorderly or a riotous assembly whereby the public peace or the safety of any persons or property are threatened.
- (b) Refusal of the operator to remove or cause to be removed any person described in SRC 31.512 after such operator has been requested to do so by a police officer.
- (c) Continuing conduct of such night club by the operator in such a manner as to violate any state law or City ordinance after having been informed of such violation by any police officer or by the state or city Fire Code Official. (Ord No. 74-73; Ord No. 120-84; Ord No. 35-06)

31.574. Summary Suspension. Any night club license may be suspended for a period of no more than four hours by any police officer or Fire Code Official actually present for any of the causes set forth in SRC 31.572 which, in the judgment of such officer or Fire Code Official, represent an immediate threat or hazard to public peace, health or safety. Summary suspension shall be without hearing or appeal, but the licensee shall be afforded an opportunity for post-suspension review by the Hearings Officer of the decision to suspend the license. (Ord No. 74-73; Ord No. 120-84; Ord No. 35-06)

FUNERAL ESCORT SERVICE

31.591. Defined.

(a) "Funeral escort service" means any person engaged in the business of providing motorcycle escort for funeral processions other than as an employee or agent of a single funeral home providing escort solely for funeral processions incident to funerals arranged by that establishment.

(b) "Funeral escort officer" means any person who engages in or carries on the vocation of personally acting as motorcycle escort for funeral processions, whether or not that person is employed by or connected with a funeral escort service or a particular funeral home. (Ord No. 54-69; Ord No. 74-73; Ord No. 4-98)

31.593. Application. In addition to the information required by SRC 30.030, 31.010, and 31.012, the application for a funeral escort service or officer's license shall contain the following information:

(a) A description of each motorcycle that will be used by a funeral escort service, including the equipment contained thereon.

(b) That the applicant, if a natural person, has been a bona fide resident of the State of Oregon for the six consecutive months immediately preceding the filing of the application.

(c) Whether or not the applicant, if a natural person, has ever been discharged from employment as a police officer, and the department and circumstances of any such discharge.

(d) The application shall be accompanied by the written request of at least one funeral establishment requesting the services of the applicant. (Ord No. 54-69; Ord No. 74-73)

31.594. Uniforms. Every funeral escort officer while acting as a funeral escort shall wear a uniform that does not closely resemble the uniforms worn by the officers of the Salem Police Department, Marion County Sheriff's Office or the Oregon State Police; and shall wear on his or her outer shirt, coat, or jacket the badge required by SRC 31.596. All such uniforms shall be approved as to design by the Chief of Police. (Ord No. 54-69; Ord No. 74-73; Ord No. 4-98)

31.595. Employment of Assistants.

(a) The holder of a funeral escort service license may employ as many duly licensed funeral escort officers as assistants as that license holder may deem necessary and shall at all times during such employment be accountable for the good conduct for every person so employed.

(b) The licensee shall, immediately upon such employment, notify the Chief of Police and the director in writing, identifying such person employed and the nature of the employment. (Ord No. 54-69; Ord No. 74-73; Ord No. 4-98)

31.596. Badges.

(a) Each holder of a funeral escort officer's license shall obtain a badge of a design approved by the Chief of Police, bearing thereon the words "funeral escort," and an identifying number.

(b) It shall be unlawful for any person who is not the holder of a current and valid funeral escort officer's license to wear or otherwise display any such badge, or any badge substantially similar thereto or a counterfeit thereof.

(c) It shall be unlawful for the holder of a funeral escort officer's license to wear or display such badge for any purpose not directly connected with that person's duties as a funeral escort except upon the specific request of any police officer or citizen making inquiry as to whether or not the holder is duly licensed as such; to give, loan, rent, or otherwise surrender custody of such badge to any person other than a police officer of this City; or to wear or display any badge which does not conform to the requirements of this subsection (a) of this section. (Ord No. 54-69; Ord No. 74-73; Ord No. 7-94; Ord No. 4-98)

31.597. Authority. Every duly licensed funeral escort officer acting within the provisions of this chapter shall, for the purpose of carrying out licensee's duties in such capacity, have the same traffic control powers as a police officer, and shall be under the supervision and control of the Chief of Police in the exercise of such authority. Failure to comply with the instructions of the Chief of Police shall be cause for revocation or suspension of any license issued under this chapter. (Ord No. 54-69; Ord No. 74-73; Ord No. 4-98)

JUNK DEALERS

31.680. Definitions. As used in SRC 31.680-31.730, the following mean:

- (a) A "junk dealer" means any person who engages in the business of buying and selling of any junk.
- (b) "Junk" means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. "Junk" includes, but is not limited to: (a) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (b) any worn out or dilapidated indoor or outdoor fixtures or furnishings, or parts thereof; (c) debris; (d) solid waste items that are of a type or quantity inconsistent with normal and usual use such as bulk, wood, metal, scrap and other similar items; (f) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (g) derelict motor vehicles, i.e., any used motor vehicle without a vehicle license or with an expired license; (h) neglected motor vehicles, i.e., any motor vehicle that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; and (i) wrecked motor vehicles, i.e., any motor vehicle that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire, or any part of a wrecked motor vehicle. (Ord No. 131-65; Ord No. 74-73; Ord No. 49-82; Ord No. 8-2000; Ord No. 49-06)

31.700. Enclosure Required.

- (a) All junk dealers shall confine their storage, display, wrecking, dismantling, disassembling, packaging, or similar operations involving junk wholly within a building the interior of which is not visible from the outside thereof except through doors used for ingress and egress, or within a fence, wall, or landscaped berm constructed to the specifications of SRC 119.100(a).
- (b) Every building or enclosure used as required in subsection (a) of this section shall be constructed so that the vertical walls thereof can withstand a pressure from each side and every angle of at least 15 pounds per square foot.
- (c) The exterior walls of every such building or enclosure shall be painted with at least three coats of paint of one solid color, which paint shall be compatible with the material on which it is placed. Such walls shall be maintained so as to present a neat and orderly appearance.
- (d) No junk kept within any such building or enclosure shall be placed so as to be visible from the exterior thereof. (Ord No. 131-65; Ord No. 74-73; Ord No. 1-91; Ord No. 8-2000; Ord No. 49-06)

31.720. Records and Reports. It shall be the duty of every junk dealer to keep the same records and make the same reports required of pawnbrokers and secondhand dealers pursuant to SRC 31.760. (Ord No. 131-65 ;Ord No. 74-73; Ord No. 30-2001)

31.730. Purchases from Minors, Unknown Persons, Etc. It shall be unlawful for any junk dealer to purchase or acquire incident to the junk dealer's business any goods, wares, articles, or other personal property of any description from any person under the age of eighteen years, from any person unknown to such junk dealer or who does not furnish adequate and reasonable proof of identity, or to purchase

any such items from any person without ascertaining by diligent inquiry that such items are not stolen property and that the person selling or delivering the same has a legal right to do so. (Ord No. 131-65; Ord No. 74-73; Ord No. 4-98)

PAWNBROKERS AND SECONDHAND DEALERS

31.750. Defined.

- (a) "Pawnbroker" means any person engaged in the business of loaning money for the person or for any other person upon personal property, personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their assigns at prices agreed upon at or before the time of such purchase.
- (b) "Secondhand dealer" means any person engaged in the business of buying, selling, or otherwise dealing in secondhand goods either as a separate venture or as a substantial part of another business.
- (c) "Secondhand goods" includes but is not limited to any of the following:
 - (1) Precious metals and gems that are valued for their character or quality, including but not limited to, gold, silver and platinum, and diamonds, rubies, emeralds, and turquoise.
 - (2) Items commonly called "collectibles" and "antiques," including, but not limited to, furniture, jewelry, and trading cards.
 - (3) Computers, computer components, computer peripherals, electronic or computer games and equipment.
 - (4) Coins and stamps.
 - (5) Any other article of personal property.
 - (6) Secondhand goods received solely by donation or solely in trade shall not be considered secondhand goods.
- (d) "Chief" means the Chief of the Salem Police Department or the Chief's designee. (Ord No. 131-65; Ord No. 155-66; Ord No. 74-73; Ord No. 43-81; Ord No. 50-83; Ord No. 30-2001)

31.760. Records and Reports.

- (a) Except as provided in subsection (b) of this section, every pawnbroker or secondhand dealer shall make and keep, in duplicate, a full, true, and complete record of all articles received, pledged, or purchased. Such record shall show the date when such article was received, pledged, or purchased; the number of the pawn ticket if any; the amount purchased; and a description of each article or group of articles received, pledged, or purchased. If any article received, pledged, or purchased has marked thereon any numbers, words, or initials, or contains any settings of any kind, the description of such article in the report shall contain such number, word, or initial, and shall show the kind of settings and the number thereof, except that the receipt, pledge or purchase of more than 20 articles from a single seller in a single transaction may be described by a general description sufficient to enable the Chief to compare the record to reports of lost or stolen property. Each record shall include the name, address, and description of the borrower or seller, together with the type and number of any proof of identification presented by the borrower or seller. The aforesaid record shall be printed with ink in a clear, legible hand and in the English language. Each record shall include the signature of the borrower or seller.
- (b) No pawnbroker or secondhand dealer shall be required to record any of the following:
 - (1) Any purchase of property from manufacturers or wholesale dealers having an established place of business.
 - (2) Any purchase in the open market or secured from any person doing business and having an established place of business in the City, but such goods must be accompanied by a bill of sale or other evidence of purchase.

- (3) The receipt, pledge or purchase of books.
- (4) The purchase of video tapes, audio tapes, compact discs, record albums, digital video discs, or any combination thereof from a single seller in a single transaction valued at less than \$75.
- (5) Articles received solely in trade.
- (c) The records required by this section shall be made in a form approved by the Chief. The Chief shall provide a record book free of charge to a person who must make and keep records required by this section. A pawnbroker and secondhand dealer may make and keep records in machine readable or electronic form at the pawnbroker's and secondhand dealer's own expense only with prior approval of the Chief and provided the copy provided to the Chief includes the signature of the borrower or seller.
- (d) Records kept pursuant to this section may be examined by the Chief during business hours of the pawnbroker or secondhand dealer.
- (e) Within three days of the date of a transaction which must be recorded pursuant to this section, every pawnbroker and every secondhand dealer shall submit to the Chief a record of that transaction. Records may be submitted by mail, provided that said records are mailed within two days of the date of the transaction.
- (f) The Chief shall upon receipt of records of transactions required by this section, maintain the same on file in some secure place.
- (g) The council, upon recommendation of the Chief may, in its discretion, exempt by written order certain categories of secondhand dealers from the record keeping requirements hereunder when the council is satisfied that the category so exempted is such that law enforcement efforts would not be significantly aided by continued maintenance of such records.
- (h) The information required to be furnished on these records is to assist in the investigation of criminal activity. The information is of a confidential nature and related to the personal privacy of persons doing business with a pawnbroker or secondhand dealer, as well as certain trade secrets and practices of pawnbrokers and secondhand dealers. The Chief will treat the information as confidential and exempt from disclosure under public records laws to the extent possible under applicable laws.
- (i) It shall be unlawful for any pawnbroker or secondhand dealer, or for any employee or other agent of a pawnbroker or secondhand dealer receiving property, to fail to make or keep any record as required by this section. (Ord No. 131-65; Ord No. 74-73; Ord No. 118-74; Ord No. 43-81; Ord No. 50-83; Ord No. 30-2001)

31.785. Condition of Property Not to Be Changed.

- (a) Except as provided in subsection (e), all property purchased or received by any pawnbroker or secondhand dealer incident to such business shall be held without alteration, change or subsequent sale for a period of fourteen days after the receipt of that property is reported to the Chief.
- (b) During the holding period required by this section, the pawnbroker or secondhand dealer shall not commingle the property to preclude identification.
- (c) During the holding period required by this section, every pawnbroker or secondhand dealer shall produce any article required to be reported under SRC 31.760 for inspection by any peace officer of this state.
- (d) It shall be unlawful for any pawnbroker or secondhand dealer to violate subsections (a) or (b) of this section or to fail to produce any article required under subsection (c) of this section.
- (e) Subsections (a) and (b) of this section shall not apply to any of the following:
 - (1) Coins or stamps.
 - (2) Transactions described in SRC 31.760(b).

- (3) The redemption of pledged or pawned personal property by the original borrower. (Ord No. 43-81; Ord No. 50-83; Ord No. 30-2001)

31.790. Goods Not to Be Sold or Redeemed in Violation of Order of Police.

- (a) If, in the course of a specific criminal investigation, the Chief has probable cause to believe that property received by a pawnbroker or secondhand dealer was not lawfully obtained by the seller or borrower or is evidence of a criminal offense, the Chief may issue a written or oral order requiring the dealer or pawnbroker to hold said property without alteration or change, and not allow it to be sold or redeemed for a specific period, not to exceed 180 days from the date of the order. If such order is given orally, the Chief shall confirm it in writing within 72 hours.
- (b) During any holding period ordered under this section, every pawnbroker or secondhand dealer shall, upon request by any peace officer of this state, deliver the article to any peace officer of this state.
- (c) It shall be unlawful for any pawnbroker or secondhand dealer to violate an order under subsection (a) of this section or to fail to deliver any article requested under subsection (b) of this section.
- (d) Notwithstanding any holding period ordered under this section, the Chief may authorize the sale or transfer of an item before the expiration of the ordered holding period in cases in which the dealer shows that an extreme hardship will result from holding the property for the ordered period.
- (e) If a pledgor seeks to redeem property that is subject to an order under this section, the pawnbroker shall advise the pledgor of the order and the name of the officer who placed the hold on the property. If the property is not required to be held pursuant to a criminal prosecution, the order shall be rescinded.
- (f) Whenever the Chief has reason to believe that property in the possession of a pawnbroker or secondhand dealer has been reported lost or stolen, the Chief may notify the person who reported the property as lost or stolen and the police agency taking such report of all of the following:
- (1) The name, address and telephone number of the pawnbroker or secondhand dealer who reported the acquisition of the property.
 - (2) That the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property by the pawnbroker or secondhand dealer.
 - (3) The length of any holding period ordered under this section.
- (g) Nothing in this section shall be construed to alter the authority of a peace officer to seize property pursuant to any other provision of law. (Ord No. 131-65; Ord No. 50-83; Ord No. 30-2001)

31.800. Purchases from Minors, Unknown Persons, Etc. It shall be unlawful for any secondhand dealer or pawnbroker, or any employee or agent of any pawnbroker or secondhand dealer, to purchase or acquire by pledge any goods, wares, articles, or other personal property of any description from any person under the age of 18 years, from any person who does not furnish adequate and reasonable proof of the person's identity, or to purchase or acquire by pledge any such items from any person without ascertaining by diligent inquiry that such items are not stolen property and that the person selling or delivering the same has a legal right to do so. (Ord No. 131-65; Ord No. 74-73; Ord No. 50-83; Ord No. 30-2001)

31.805. Release of Property.

- (a) The Chief may not release property subject to SRC 31.750 to 31.815 which has been seized by the police department to anyone other than the person from whom the property was seized except as otherwise provided herein.

- (b) The Chief may release seized property subject to SRC 31.750 to 31.815 to another law enforcement agency if the other agency provides documentation to the satisfaction of the Chief of the stolen status of the property.
- (c) The Chief may release seized property subject to SRC 31.750 to 31.815 to a person who has reported the property stolen only as provided herein. The property may be released to such a person provided:
 - (1) The person has prepared and filed with the City's Police Department a Stolen Property List in a form approved by the Chief and certified under penalty of law to be true and correct.
 - (2) The Chief has caused a notice to be delivered to the pawnbroker or secondhand dealer from whom the property was seized, and to any borrower who pledged or pawned the property.
 - (A) The notice required by this subsection shall state that the property will be released to the person who has prepared and filed with the City's Police Department a Stolen Property List unless the pawnbroker, secondhand dealer or borrower files a motion for return of property as provided in SRC 31.815.
 - (B) The notice required by this subsection shall be sent certified mail, return receipt requested, or delivered in person, to the pawnbroker or secondhand dealer at the address shown on the last received license application or license renewal application for the business, and to any borrower at the address on the record required by SRC 31.760.
 - (3) The failure of any person to receive the notice required in this section shall not invalidate or otherwise affect proceedings under SRC 31.750 to 31.815. (Ord No. 30-2001)

31.815. Motion for Release of Property.

- (a) Within ten days of receiving an order to hold under SRC 31.790 or within ten days of the date of a notice under SRC 31.805, any person with an interest in the property subject to the order to hold or notice may file with the municipal court a motion to release the property to the movant. A copy of the motion must be served on the Chief within the same 10 day time limit.
- (b) A motion for release of property shall be based on the ground that the movant has a valid claim to rightful possession thereof because of any of the following:
 - (1) The property had been stolen or otherwise converted, and the movant is the owner or rightful possessor.
 - (2) The property was not in fact subject to an order to hold under SRC 31.790 or a notice under SRC 31.805.
 - (3) The movant, by license or otherwise, is lawfully entitled to possess the property.
 - (4) Although the property was subject to an order to hold under SRC 31.790 or a notice under SRC 31.805, the movant is or will be entitled to the return or restoration of the property upon the court's determination that the property is no longer needed for evidentiary purposes.
- (c) Municipal court may not consider such a motion if there is another court with ultimate trial jurisdiction over a crime charged in connection with the seizure.
- (d) If, upon consideration of a motion for release of property, it appears to the municipal court that the property should be released, but there is a substantial question whether the property should be released and remain in the possession of the pawnbroker or secondhand dealer or be released to some other person, or there is a substantial question among claimants as to rightful possession, the court may:
 - (1) Release the property to the possession of the pawnbroker or secondhand dealer, or
 - (2) Impound the property or order it to remain in its current location and set a further

hearing, assuring that all persons with a possible possessory interest in the property in question receive due notice and an opportunity to be heard, and

(3) Upon completion of the hearing provided for in paragraph (2) of this subsection, enter an order for the release of the property.

(e) If there is no substantial question whether the property should be released to the person who has filed a Stolen Property List as provided in SRC 31.805, the property must be ordered released to that person.

(f) Instead of conducting the hearing provided for in subsection (d)(2) of this section and releasing the property, the municipal court in its discretion may order any hold under SRC 31.790 removed and leave the claimants to appropriate civil process for the determination of the claims.

(g) A copy of any Stolen Property List as provided for in SRC 31.805 which has been certified as a true copy by the custodian of police records may become part of the record in any hearing under this section and is not to be excluded by ORS 40.455, regardless of whether or not the declarant is available as a witness. No extrinsic evidence of authenticity is required.

(h) The Chief's order or notice shall remain in effect during the pendency of any motion to release property. (Ord No. 30-2001)

RENTAL DWELLINGS

31.993. Defined.

(a) A "rental dwelling" is any hotel, motel, or apartment house, any of which has three or more rental units, or any group of three or more dwelling units on one lot or series of contiguous lots owned as a business wherein rooms or structures are offered or maintained for rent or lease as permanent or temporary dwelling places.

(b) Such term does not include any bona fide hospital or clinic where sick or injured persons are kept for medical treatment, or to any nursing home as defined by SRC 32.140.

(c) Such term does not include any place which would otherwise be deemed a rental dwelling which is owned or operated by a bona fide religious, fraternal, charitable, or other nonprofit organization which is inspected pursuant to requirements of the Federal Housing and Urban Development Department (HUD). In order for a nonprofit organization to qualify for exemption under this subsection, it shall file with the Building Official on or before January 1 each year written confirmation that each unit of the rental dwelling has been so inspected by Federal Housing and Urban Development Department (HUD) within the past five years. There shall be included a listing of all rental dwellings, their addresses and any changes in their rental status.

(d) A retirement apartment is any rental dwelling, the majority of whose units are occupied or held out to be occupied by persons 65 years of age or older. (Ord No. 131-65; Ord No. 155-66; Ord No. 274-68; Ord No. 74-73; Ord No. 61-78; Ord No. 117-78; Ord No. 92-83; Ord No. 30-84; Ord No. 103-88)

31.994. Guest Register, Generally. Every licensed rental dwelling where dwelling space is available for rental periods of less than one month shall at all times keep a standard hotel register in which shall be inscribed the names of all guests or persons renting or occupying rooms in such establishments, which register shall be signed by the person renting the room or by someone under that person's direction. Following the name so inscribed or registered, the manager of the house or the manager's agent shall write the number of the room which such person is to occupy, together with the date and time when such room is rented. The register entry required by this section shall be completed before such person is permitted to occupy a room. (Ord No. 131-65; Ord No. 74-73; Ord No. 61-78; Ord No. 4-98)

31.995. Inspection. The register required by SRC 31.994 shall be at all times open to inspection by any executive or peace officer of the City or State. (Ord No. 131-65; Ord No. 61-78)

31.996. False Entries. It shall be unlawful for any person to write or cause to be written in any hotel register, required to be kept by this chapter any other or different name than the true name of such person, or the name by which such person is generally known. (Ord No. 131-65; Ord No. 61-78)

31.997. Certain Conduct Prohibited. It shall be unlawful for any person owning, operating, managing, or otherwise exercising supervisory control over a rental dwelling to knowingly suffer or permit such rental dwelling to be used for any act, conduct, or activity prohibited by ORS chapter 167, or by SRC chapter 96. (Ord No. 131-65; Ord No. 74-73; Ord No. 61-78)

31.998. Numbering of Units. Every separate dwelling unit in a rental dwelling shall be assigned a separate number which shall be conspicuously displayed on or near the main entry of such unit, plainly visible to persons approaching such entry from the outside. (Ord No. 131-65; Ord No. 74-73; Ord No. 61-78)

31.999. Suspension or Revocation of License.

(a) A rental dwelling license issued under this chapter may be suspended or revoked for any of the following causes in addition to those listed in SRC 30.120:

- (1) Refusal of the licensee, or of any agent or employee of the licensee, to permit any inspection of the premises mentioned in SRC 31.993 by any inspector charged with the enforcement of the provisions of Titles IV and V of this Code.
- (2) Refusal of the licensee, or of any agent or employee of the licensee, to provide reasonable cooperation and assistance to any inspector charged with the enforcement of Titles IV and V of this Code when requested to do so by such inspector in connection with the inspection of the premises mentioned in SRC 31.993.
- (3) Permitting a rental dwelling to be a public nuisance property as defined in SRC 98.140.

(b) "Reasonable cooperation and assistance," as used in this section, may include, but is not limited to:

- (1) Providing means of ingress and egress to the premises and any part thereof not then in the lawful possession of a tenant at a reasonable time;
- (2) Arranging introductions and appointments with tenants or other persons in charge of the premises or any part thereof;
- (3) Informing tenants or other persons in charge of the premises that the inspector acts with the consent of the licensee. (Ord No. 123-72; Ord No. 61-78; Ord No. 24-93; Ord No. 96-95; Ord No.2-96; Ord No. 3-2004)

RESIDENTIAL CARE FACILITIES, HOMELESS SHELTERS AND ROOM AND BOARD FACILITIES

31.1006. Defined.

(a) "Residential Care Facilities" are facilities licensed under ORS Chapter 443 that provide, for six or more mentally retarded, developmentally disabled, mentally, emotionally or behaviorally disturbed individuals, residential care, training or treatment in one or more buildings on contiguous properties.

(b) "Homeless Shelters" are any place or premise operated by a non-profit organization wherein residence is provided to persons who need emergency shelter on a daily or weekly basis. Individual bath and cooking facilities may or may not be provided.

(c) "Room and Board Facilities" are any place or premise which has three or more client

beds owned as a business where rooms are offered or maintained for rent or lease.

(d) The terms defined in subsections (a), (b) and (c) do not include 'residential home', defined as a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident, 'adult foster home', defined as any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage, or 'retirement apartment', defined as any rental dwelling, the majority of whose units are occupied or held out to be occupied by persons 65 years of age or older. (Ord No. 156-84; Ord No. 118-87; Ord No. 101-88; Ord No. 44-89)

31.1007. License Requirements. A current and valid license issued pursuant to the provisions of SRC Chapter 30 shall be required for every homeless shelter and room and board facility. From and after January 1, 1989, all newly established facilities, and expansions or relocations of existing facilities shall meet the following additional license criteria:

(a) Spacing and Locational Requirements. Except as herein after provided, homeless shelters and room and board facilities may locate in only those geographic areas and at such proximities as provided below.

(1) Spacing of Facilities. Facilities with 6 to 10 residents, exclusive of staff (medium facilities), shall be at least 800 feet from facilities of like or smaller size, and 1,200 feet from larger facilities. Measurements shall be from the center point of the proposed site to the center point of existing sites. Facilities with 11 or more residents, exclusive of staff (large facilities), shall be at least 1,200 feet from facilities of like or smaller size. Residential care facilities and residential homes as defined in 31.1006 (d) above shall be considered an existing facility for purposes of spacing of licensed facilities.

(2) Location of Facilities. Facilities may be located, relocated or expanded if the number of existing facilities within 2,000 feet of the center of the proposed site does not exceed four. Among the total of five facilities, which shall include the subject site, two may be medium facilities or one may be medium and one may be large. Residential care facilities and residential homes shall be considered an existing facility for purposes of location of licensed facilities.

(b) Requirements for expansions and re-establishment of existing facilities. Homeless shelters and room and board facilities existing as of January 1, 1989 do not have to meet the spacing and location licensing requirements. However these requirements will have to be met by medium facilities becoming large facilities and any expanding large facility. Existing facilities which drop to a lower size category for a continuous period of six months must meet the spacing and location requirements to return to the larger category. Existing facilities which are abandoned for a continuous period of one year must meet the spacing and location requirements to be re-established.

(c) Exceptions from spacing and location requirements. After notice and hearing that follows the requirements applicable to Type III land use actions under SRC Chapter 300, the Planning Commission may grant exceptions to the location and spacing requirements for a facility upon a showing by the applicant that the likely adverse consequences of the proposed use and development to the affected neighborhood are reasonably minimized. The Commission may prescribe conditions as to any of the matters set forth in SRC 113.220 (b), and any of such conditions may be either permanent or precedent to issuance and maintenance of facility license. (Ord No. 101-88; Ord No. 44-89; Ord No. 1-10)

31.1008. Inspections. The holder of a license to operate any homeless shelter or room and board facility shall permit inspection of the premises used for such purposes at any reasonable hour by any inspector charged with the responsibility of enforcing the provisions of Title V of this code, any officer or inspector of the state, county, or city health departments, and any duly authorized officer or agent of any governmental agency whose funds are used, directly or indirectly, to pay for the services of such facility accorded to one or more guests or applicants. (Ord No. 156-84; Ord No. 101-88; Ord No. 44-89)

STREET VENDORS

31.1020. Defined. "Street vendor" means any person who travels from street to street upon a public sidewalk in a commercial zone carrying, conveying, or transporting goods offering and exposing same for sale from a mobile type device such as a pushcart or like conveyance. (Ord No. 2-78; Ord No. 67-94)

31.1025. Insurance. Before a street vendor's license is issued to any person, the applicant therefor shall first obtain and file with the director a certificate showing a public liability, food products liability, and property damage insurance policy protecting the licensee and City from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall have at least the following minimum coverage limits:

- (a) \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence;
 - (b) \$200,000 to any claimant as general and special damages for all other claims arising out of a single accident or occurrence;
 - (c) \$500,000 for any number of claims arising out of a single accident or occurrence.
- Such policy shall be on an "occurrence" and not a "claims made" form. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of Salem, its officers, agents and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Recorder of the City of Salem. (Ord No. 2-78; Ord No. 4-98)

31.1030. Inspection.

- (a) Prior to issuance of a street vendor's license, the Building Official shall inspect each mobile device to be used. The Building Official shall certify that the device is structurally and mechanically sound, the design will not create a nuisance or hazard to the public, and the size of the cart meets the requirements of SRC 31.1055.
- (b) Annually at the time of the renewal of the license, and six months after license issuance or renewal, each cart shall be reinspected for compliance with this section. (Ord No. 2-78; Ord No. 10-80; Ord No. 92-83; Ord No. 135-85; Ord No. 35-06)

31.1035. State and County License Required. No person shall be issued a street vendor's license unless that person submits with an application, documentation, that he or she has obtained all health and sanitary licenses from the state and county. (Ord No. 2-78; Ord No. 10-80; Ord No. 4-98)

31.1040. Use of Sidewalks.

- (a) Except as provided in SRC 31.1070, no street vendor licensed under this chapter shall have an exclusive right to any specific location on any public sidewalk, nor shall be permitted a stationary location, nor shall the licensee be allowed to occupy any area within ten feet from the inside crosswalk mark at the corner of each block, ten feet from the

entrance to an alleyway, eight feet from the entrance to any building doorway, or in front of any restaurant that fronts on the street or alleyway, and the cart must occupy space adjacent and abutting the curb.

(b) A street vendor and his or her cart shall be located upon the public sidewalk and there shall be maintained at all times a minimum sidewalk clearance of five feet.

(c) No street vendors shall be located upon the public sidewalks on the east or west sides of High Street NE between State and Court Streets NE except at the east edge of the sidewalk on the east side of said High Street NE.

(d) No street vendors shall be located on the "center island" of the transit transfer facility on High Street NE between State and Court Streets NE.

(e) Street vendors conducting business on a sidewalk shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the mobile device at any time it is in a stationary position and the street vendor is conducting business.

(f) No street vendor shall make any loud or unreasonable noise of any kind by vocalizing or otherwise for the purpose of advertising or attracting attention to his or her wares.

(g) No permitted mobile device shall be left unattended on a sidewalk, between midnight and 6:00 a.m. (Ord No. 2-78; Ord No. 10-80; Ord No. 88-84; Ord No. 135-85; Ord No. 4-98)

31.1045. Sanitary Standards. All utensils and equipment used by a licensed street vendor shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state and county law and regulations promulgated pursuant thereto. (Ord No. 2-78; Ord No. 10-80)

31.1050. Separate License for Each Cart. A separate vendor's license and fee shall be required and secured by the vendor for each mobile device used by the vendor to carry on his business under the provisions of SRC chapter 30 and SRC 31.1020 and 31.1065. (Ord No. 10-80; Ord No. 4-98)

31.1055. Cart Size. The size of a street vendor's cart shall not be greater than three feet six inches in width and six feet in length. (Ord No. 10-80)

31.1060. Investigation of Complaints. Upon receiving six signed written complaints from six separate persons against a street vendor, the downtown development board will call for a review of the licenses issued. The board may recommend revocation or suspension of one or more licenses under the provisions of chapter 30 of the Salem Revised Code. (Ord No. 10-80)

31.1065. Prohibited Solicitation.

(a) It is unlawful for any person to solicit or demand any pecuniary benefit from any street vendor in return for the street vendor locating a mobile device on the sidewalk in front of any particular business.

(b) "Pecuniary benefit" means money, property, or commercial interest. (Ord No.10-80)

31.1070. Designated Sidewalk Space.

(a) The Building Official may require that no more than two street vendors may occupy a specific street corner, per block space, and may mark the specific location when one or more of the following conditions exist:

(1) Pedestrian circulation is impaired by street vendor congestion;

(2) Food spills are not removed when more than two street vendors occupy a street corner; or

(3) Failure of street vendors to follow SRC 31.1040 and 31.1045.

- (b) The Building Official shall issue a written warning letter to a street vendor who operates outside the designated operating space.
- (c) In the event the street vendor ignores the warning letter and is convicted in municipal court for the same infraction three times, the street vendor's license shall be revoked.
- (d) If the official determines that the implementation of paragraph (a) of this section causes an enforcement problem, the official may initiate a lot drawing for the designated sidewalk corner space. The vendor space assigned by lot shall be for a three month term. (Ord No. 135-85)

MOBILE FOOD UNITS

31.1075. Definitions. “Mobile food unit” means any kiosk, shed, shelter, trailer, vehicle, wagon, or boat, which is self-propelled or which can be towed, pulled or pushed down a street, highway, alley, sidewalk or waterway, and which is used to prepare, process or sell food or beverages for immediate consumption through drive-in, drive through, curb or walk-up service. “Mobile food unit” does not include a street vendor’s cart as described in SRC 31.1055, or a peddler’s vehicle or conveyance as described in SRC 31.180. (Ord No. 49-06)

31.1080. Inspection. Prior to the issuance of a mobile food unit license, the Building Official shall inspect each unit to be used. The Building Official shall certify that the device is structurally and mechanically sound, and that the structure is labeled by the State as a pre-fabricated structure, or a vehicle which has a valid registration from the State Division of Motor Vehicles, the design will not create a nuisance or hazard to the public, and that the site plan conforms with all safety and zoning requirements. (Ord No. 57-2000; Ord No. 35-06)

31.1085. State and County License Required. No person shall be issued a mobile food unit license unless the application is submitted with documentation that all state and county health and sanitary licenses have been obtained.

31.1090. Location.

- (a) The issuance of a license shall not grant the licensee permission to operate in violation of any existing law or regulation. The operation of the mobile food unit shall conform with all applicable zoning and land use requirements, and shall be located so as to not create a traffic or safety hazard.
- (b) If the mobile food unit is located on private property not owned by the licensee, the licensee shall maintain on-site a copy of an agreement between the licensee and the property owner granting permission to use the property.
- (c) Mobile food units shall not operate or be located in a public right of way. Mobile food units may operate on City owned property provided the licensee is granted a site specific permit which shall be displayed conspicuously on-site.
- (d) Mobile Food Units shall only be located at one development site for a maximum of six months in any consecutive twelve month period, which commences from the date of occupation of the development site by any mobile food unit. As used herein, a development site means any lot, parcel, integrated shopping center defined in SRC 62.050(n) or any aggregation of lots or parcels, portions of which share parking, access, or landscaping. (Ord No. 57-2000)

31.1095. Use of Streets by Licensee. No mobile food unit licensed under this chapter shall have any exclusive right to any location, nor shall it be permitted to operate in any congested area where its operation might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

31.1100. Sanitary Standards. All utensils and equipment used by a licensed mobile food unit shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state and county law and regulations promulgated pursuant thereto.

31.1105. Separate License for Each Mobile Food Unit. A separate mobile food unit license and fee shall be required and secured by the vendor for each mobile device used by the vendor to carry on the vendor's business under the provisions of SRC chapter 30.

31.1110. Conversion to Permanent Structures Prohibited. No mobile food unit shall be converted into a permanent structure, unless the mobile food unit is a pre-fabricated structure designed, and approved by the State of Oregon and the Building Official, for permanent placement. (Ord No. 49-06)

31.1990. Violations.

(a) Except as otherwise provided in this section, violation of any of the provisions of this chapter is an infraction. It is punishable by a fine of not less than \$100 and not more than \$250. In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this chapter may be ordered by the court to correct the violation.

(b) Except as provided in subsection (c) of this section, the second and subsequent violation in any one year period of any provision of this chapter is punishable by a fine of not less than \$250.

(c) Violation of SRC 31.760(i), 31.785(d), 31.790(c), or 31.800 is a misdemeanor. (Ord No. 193-79; Ord No. 168-80; Ord. No. 27-86; Ord No. 109-94; Ord No. 47-97; Ord No. 4-98; Ord No. 57-2000; Ord No. 30-2001)

(CHAPTER 32 RESERVED FOR EXPANSION)

