TEMPORARY MERCHANT PERMIT APPLICATION

5% Technology fee will be added to total fees (resolution No. 2016-3268)

Community Development Department
PO Box 970, 414 E. First St., Newberg, OR 97132
Phone: (503) 537-1240 Fax: (503) 537-1272

FOR OFFICE USE ONLY (Select 1 option)			
1)	**Temporary Merchant (4-45 days)** Permit fee Business License verified (Pay total Temporary Merchant at Permit Center)	$106.00	❑ ❑
2)	**Perpetual Temporary Merchant (over 45 days)** Business License verified	$346.00	❑ ❑
3)	**Background check (fax to 503-538-5393)** (Satisfactory) _____or (unsatisfactory) _____		

APPLICANT: _____ DATE:_____

HOME ADDRESS (street, city, state, zip code): _____

DRIVER'S LICENSE NUMBER: _____ (State) (Number) SOCIAL SECURITY _____-____-_____ DATE OF BIRTH: _____

BUSINESS NAME:_____

BUSINESS ADDRESS (street, city, state, zip code): _____

NATURE OF BUSINESS/PRODUCT/MERCHANDISE: _____

DAYS AND HOURS OF OPERATION:

BUSINESS CONTACT FOR COMPLAINTS: _____

ADDRESS (street, city, state, zip code): _____

HOME PHONE: _____ BUSINESS PHONE: _____

IS THIS AN UMBRELLA LICENSE SERVING MORE THAN ONE BUSINESS ON THE SAME SITE? _____
If so, identify one single individual or organization to serve as the primary contact agent. The primary contact agent shall be responsible for and shall act on behalf of those merchants on the site who are operating under the umbrella license during the license period. If "YES" then complete the following:

PRIMARY CONTACT AGENT: _____

ADDRESS (street, city, state, zip code): _____

HOME PHONE: _____ BUSINESS PHONE: _____

PLEASE ATTACH THE FOLLOWING INFORMATION TO THE PERMIT APPLICATION:

- A site map of the location of temporary merchant activities;
- If a State or county permit/license is required to operate or conduct your proposed business/ activity, attach a copy of each permit that has been issued to you; and
- If located on public property, obtain a signed, written consent authorized by the Newberg City Council or other public agency with authority to allow the merchant to conduct business from the publicly owned property.

YOU MAY ALSO BE REQUIRED TO OBTAIN AND/OR PROVIDE PROOF OF THE FOLLOWING:

- An approved local building permit may be needed if you intend to have a water hook-up, freestanding awning, etc.;
- If food is sold, you need to check with Yamhill County Health Department to verify whether additional provisions such as tables, chairs, restrooms, etc. are required;
- If onsite electrical power is connected, a Yamhill County electrical permit will need to be obtained;
- For perpetual merchant, a site plan is needed showing where customers will park; and
- Additional items may also be required and are up to the merchant to discover.

I UNDERSTAND AND WILL ADHERE TO CITY OF NEWBERG CODE CHAPTER 5.15 AS SUMMARIZED ON THE REVERSE SIDE OF THE REGISTRATION FORM. I CONFIRM I HAVE NO PREVIOUS CRIMINAL HISTORY, INCLUDING BUT NOT LIMITED TO A CONVICTION OR INCARCERATION FOR A CRIME SUCH AS THEFT, BURGLARY, ROBBERY, FRAUD, DECEIT, OR ANY OTHER CRIME OF VIOLENCE WITHIN THE 10-YEAR PERIOD PRIOR TO THE DATE OF REGISTRATION. I HEREBY RELEASE THE CITY OF NEWBERG ("CITY"), THE LAW ENFORCEMENT DATA SYSTEM ("LEDS") AND THE DEPARTMENT OF MOTOR VEHICLES ("DMV"), THEIR AGENTS AND ASSIGNS, FROM ANY LIABILITY FOR ACCESS TO MY CRIMINAL HISTORY AND MOTOR VEHICLE RECORDS, INCLUDING, BUT NOT LIMITED TO ANY ARRESTS, WARRANTS, CONVICTIONS AND DISPOSITION OF CHARGES. I UNDERSTAND THAT THESE MATTERS ARE CONFIDENTIAL, AND I GIVE MY FULL RELEASE AND AGREEMENT TO THE CITY TO USE LEDS AND DMV INFORMATION TO DETERMINE MY ELIGIBILITY FOR REGISTRATION AS A PEDDLER OR SOLICITOR WITHIN THE CITY OF NEWBERG.

THE CITY SHALL MAKE ALL REASONABLE EFFORTS TO KEEP THIS INFORMATION CONFIDENTIAL. HOWEVER, I RELEASE THE CITY, LEDS AND DMV FROM LIABILITY CONCERNING THE RELEASE OF THIS INFORMATION.

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DATED this ___ day of _____, 2019.

_____ _____
Applicant Signature *Property Owner Signature*

(Allow a minimum of 10 working days to process. Incomplete or missing information may delay the approval process.)

5.15.050 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON or PERSONS. Any natural person and any firm, proprietorship, partnership or corporation.

TEMPORARY MERCHANT. A person, or persons occupying a temporary, fixed location, not within a permanent building, and selling or delivering from stock on hand, doing business in much the same manner as a permanent business.

5.15.090 REQUIREMENTS FOR TEMPORARY MERCHANTS; TERM.

(A) *Requirements.* A temporary merchant who intends to operate a business for more than three consecutive days at any one location, and who is not identified as exempt under the provisions of NMC 5.20.100 shall obtain a license from the city prior to engaging in any sales activities. Temporary merchants are authorized to set up only on properties within the C-2 community commercial, or C-3 central business zoning districts. One temporary merchant license may serve as an umbrella license for several related organizations on one lot during the same license period.

(B) *Term.*

(1) A temporary merchant license is valid for up to 45 consecutive days for each location, after which it may be renewed, subject to a fee set by city council resolution.

(2) A qualified temporary merchant who anticipates operating a business for more than 45 days at one location may apply for a temporary merchant license which has no expiration date, subject to a fee set by city council resolution. Under this provision, a seasonal business that is open year to year shall be allowed to open each year without re-licensing provided the location or physical size does not change.

(C) *Pre-existing temporary merchants.* Temporary merchants licensed prior to the effective date of the ordinance codified in this section and who have previously been through the process outlined in this section, or a similar regulatory review, shall be granted a license to operate at their current location without an application fee. Existing temporary merchants shall be subject to the licensing requirements of this section if the location or the size of the business changes. Seasonal businesses that are open year to year shall be allowed to open each year without re-licensing provided the location or physical size does not change.

5.15.100 EXEMPTIONS FOR TEMPORARY MERCHANTS.

The following temporary merchants do not require a license and are exempt from the application requirements contained within NMC 5.15.110(B), but must meet the standards under NMC 5.20.110(A). Residential garage and estate sales are regulated under NMC 15.415.060, home occupation standards.

(A) Any temporary merchant who is in operation for three or fewer consecutive days at the same location.

(B) A non-profit organization selling goods, wares or merchandise, whose business is in operation on private property during one period not exceeding 45 consecutive days in any three month period.

(C) Sales associated with events sponsored through city council or city manager action such as the Old Fashioned Festival, city auction, bike fair, and Turkey Carnival.

(D) Temporary construction offices in conjunction with the initial development of residential, commercial or industrial property.

5.15.110 SPECIAL STANDARDS, APPLICATION AND FEES FOR TEMPORARY MERCHANTS.

(A) *Standards.*

(1) The activities of the temporary merchant shall not impair or impede the proper flow of pedestrian or vehicular traffic on public or private property.

(2) The activities of the temporary merchant shall not unduly restrict parking spaces on public or private property. Any parking spaces which are customarily in use during normal working hours shall not be used as a location for a temporary merchant.

(3) Approved parking spaces shall be provided as is deemed appropriate by the city. Required parking spaces shall be located within 100 feet of the temporary merchant. In no case shall there be less than two available parking spaces per temporary merchant. Required parking spaces for temporary merchants are used on a temporary basis and, therefore, they may be graveled, asphalt or concrete surfaces. In all other respects, parking areas shall meet the requirements of NMC 15.440.010 through 15.440.080.

(4) Only one temporary merchant license will be permitted on any individual lot or development site at any given time, unless the proposal receives Type III Conditional Use Permit approval. If the parcel on which the sales location is sited is five acres or greater in size, this requirement does not apply. Type III Conditional Use Permit criteria are identified in NMC 15.225.060.

(5) Licenses for a temporary merchant shall be displayed by the temporary merchant in a visible location and shown to any customer or city official on request.

(6) The proposal shall comply with NMC 15.415.020 through 15.415.040 dealing with height restrictions and public access; and Chapter 15.410 NMCdealing with setbacks, coverage, vision clearance, and yard requirements. No storage, display or sale may take place inside the required front yard setback area.

(7) A temporary merchant shall comply with all signage requirements of Chapter 15.435 NMC.

(8) A temporary merchant shall comply with all applicable sanitation codes, including waste disposal. If self-contained facilities such as porta-potties are proposed, they must also meet all applicable city and state sanitation requirements.

(9) A temporary merchant operating in the C-3 Central Business District, including temporary merchants operating their businesses under a merchant's umbrella license, shall not have a drive-up service window as part of its operation.

(B) *Application.* Application for licensing shall be filed with the city together with the nonrefundable license fee. The application shall be on a form supplied by the city. Applications will be accepted only during normal city business hours. The applicant shall provide the following information:

(1) A site map of the location of temporary merchant activities.

(2) Personal identification including date of birth, driver's license number and/or other appropriate identification.

(3) Copies of any state or county licenses which are also required to operate or conduct activities proposed by the applicant.

(4) The name of a local agent to receive complaints against the business.

(5) If the license is acting as an umbrella license, identify one single individual or organization to serve as the primary contact agent. The primary contact agent shall be responsible for and shall act on behalf of those merchants on the site who are operating under the umbrella license during the license period.

(6) If located on private property, the temporary merchant shall obtain a signed, written consent from the owner of the property which authorizes the merchant to conduct business from the property.

(7) If located on public property, the temporary merchant shall obtain a signed, written consent authorized by the city council or other public agency with authority to allow the merchant to conduct business from the publicly owned property. The city council is under no obligation to approve any request for such use.

(C) *Fees.* All fees shall be charged as set by city council resolution. Fees are nonrefundable.

5.15.120 LICENSING APPROVAL, AUTHORITY AND APPEALS OF TEMPORARY MERCHANTS.

(A) The city shall have the authority to approve or deny any application for a license to be issued under NMC 5.15.110. A license shall not be issued if the applicant has provided false information on the application form or has a current arrest warrant for any crime or previous criminal history of arrests, warrants, convictions, incarcerations and/or dispositions of charges that include but are not limited to theft, burglary, robbery, fraud, deceit, or any crime of violence within a 10-year period prior to the date of registration, with the exception that any arrests and past warrants for arrests will be reviewed on an individual basis for determination of eligibility.

(B) Any applicant for a license which is denied approval may appeal the decision to the city manager. The city manager may accept or reject the decision of city staff, waive any requirements imposed, or refer the matter to the city council. The applicant may appeal the decision of the city manager to the city council. All appeals must be made by submitting a formal request of an appeal to the city manager, together with a nonrefundable processing fee as established by city council resolution.

(C) The application will be forwarded to the chief of police or his/her designee. If the application is returned by the chief of police or designee endorsed "Unsatisfactory", the City will notify the applicant that his/her application has been disapproved and the reason thereof.

5.15.130 PENALTY.

Any person who engages in activities within the corporate city limits without having first registered as provided in NMC 5.15.060 or without having first applied for and obtaining the license herein provided for in NMC 5.15.110 or who violates any other of the provisions of this article shall have committed a city Class 2 infraction and shall be processed in accordance with the procedure set forth in the uniform civil infraction procedure ordinance, Chapter 2.30 NMC. Every day of a continuing violation shall be deemed a separate offense for the purposes of these penalties.

Information for Festival / Event Vendors & Food Carts

Keep your customers safe and your event compliant.

NO draining, dumping or washing anything into street drains, manholes or gutters anywhere.

It attracts pests and violates Health & City Code.

FOOD PREP & CLEAN UP liquids may be emptied at:

16580 SW 85th
Tigard, OR 97224

3235 SE River Rd
Hillsboro OR 97123

Garbage & Recycling Services are run by

Waste Management Company

2904 WYSNOOSKI RD 503-538-1388

Temporary water meters can be rented by calling 503-537-1234 or make private arrangements with a local business.

DO NOT use the 'flush *hose*' at the RV station

It is NOT drinking water. Non-Potable

Security Cameras are in use.

Questions: call 971-246-6243 or 503-554-7709

City Of Newberg Public Works & Code Enforcement

414 East First Street Newberg Or 97132

www.newbergoregon.gov/publicworks

Información para Comerciantes y Puestos de Comida del Festival

NO vaciar, lavar o tirar restos de cualquier tipo en los desagües de la calle, alcantarillado o pozos de acceso en cualquier lugar.

Atrae plagas y es contra las reglas de Salubridad y del Municipio.

DESECHOS DE COMIDA Y LIQUIDOS DE LIMPIEZA pueden tirarse en los siguientes locales:

16580 SW 85th
Tigard, OR 97224

3235 SE River Rd
Hillsboro OR 97123

Servicios de Basura y Reciclaje son administrados por la empresa

Waste Management Company
2904 WYSNOOSKI RD 503-538-1388

Alquile medidor de agua para extraer agua potable de tomas de agua o bocas de incendios en áreas públicas. Llame al **503-537-1234** o llegue a un acuerdo con los locales cercanos.

NO UTILISE la 'manguera para drenaje' en la estación de Camper RV Agua que pasa por esa manguera NO es segura para beber o lavar. No es potable.

Cámaras de seguridad en uso

Preguntas: llame al 971-246-6243 o al 503-554-7709

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