

Temporary Merchant License Application

General Information: Municipal Code 4.08

No individual, including an employee or agent of a group of individuals, partnership, or corporation, whether a resident of the City or not may engage in the operation of any business, operation, event or activity described, whether implicit or implied, within this ordinance without first obtaining a license as provided in this chapter. (Ord. 2977 §1, 1961) An applicant is responsible for submitting an application and obtaining the appropriate license for the type of business being conducted in the City and Urban Growth Boundary. In addition to the specific license activity, an applicant is responsible for applying for and paying the appropriate annual fees for a City occupation (business) tax in accordance with Section 4.08 of the Municipal Code. No solicitor/peddler, mobile vending vehicle, or temporary merchant has an exclusive right to a particular location on permitted public right-of-ways, sidewalks, or designated public property, or shall operate in a congested area where the operations impede or inconvenience the public. For the purpose of this chapter, the judgment of the Department of Public Safety Department is conclusive as to whether the area is congested, the public impeded or inconvenienced.

This application is to be used for individuals intending to operate a business that meets the following definitions:

“Temporary Merchant” is defined as any person, whether owner or otherwise, whether a resident of the City or not, who, for a time limited to 10 days per calendar month, per location, engages in a temporary business of selling and delivering goods, wares, merchandise and services within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any private property within the City for the exhibition and sale of food, beverages, goods, merchandise or services.

Operations Standards:

All uses licensed under this chapter shall comply with all relevant standards contained in this section.

1. Hours of operation. Vendors and temporary merchants except ice cream trucks and solicitors shall be allowed to engage in their licensed business between 7:00 a.m. and 11:00 p.m., Monday - Sunday.
2. Removal of mobile vending vehicle during non-operating hours. All mobile vending vehicles must be removed from public or private property during non-vending hours. If a Special Event Permit is sought in accordance with Title 4 of the Municipal Code, the City may make an exception to the usual hours of operation and the requirement to remove vending vehicles each night.

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3. Public health codes. Vendors, solicitors, and temporary merchants shall comply with all applicable Josephine County Department of Public Health requirements.
4. Building and fire codes. Vendors, solicitors, and temporary merchants shall comply with all applicable City Building and Fire Code.
5. General location. Unless positioned on private property, a mobile vending vehicle shall not be located:
 - a. Where the public sidewalk is less than five feet wide;
 - b. In an alley not designated as an off street mobile vending zone
 - c. Within a midblock crosswalk area;
 - d. On the portion of a public sidewalk crossed by a public or private driveway or within ten feet of either side of the driveway;
 - e. Within any street corner area.
 - f. Within five (5) feet from a perpendicular line drawn to the curb from either side of a doorway;
 - g. In a manner in which the movement or visibility of vehicles using the street or other public right-of-ways, including alley ways, is obstructed in accordance with all state and municipal vehicle codes.
6. ADA. The proposed vending activity shall not violate the Americans with Disabilities Act.
7. Waste receptacle. Vendors, solicitors, and temporary merchants shall keep the area of operation free of debris. Vendors selling food or beverages must provide trash receptacles and removal of associated waste adjacent to or as a part of their operations. All spilled food, beverages, grease, or other trash or debris accumulating within twenty (20) feet of any mobile vending vehicle shall be cleaned and collected by the vendor and deposited in the vendor's trash receptacle. The vendor is prohibited from depositing its waste, ice, and any grey or waste water into sidewalk waste receptacles, privately owned dumpster, City planters, gutters or the street drainage system.
8. Maintenance of vehicle. Mobile vending vehicles shall be maintained in such a manner that prevents the spilling or splattering of grease, water, food, or trash on any public right-of-way where the vehicle is located. The vehicle owner shall be responsible for the cleaning and repair of any public right-of-way affected by their use.
9. Alcoholic beverages. Vendors and temporary merchants shall not offer alcoholic beverages for purchase except as licensed by a special event permit or community event license.
10. Display of license. The permittee shall obtain and maintain in effect all required permits and business licenses and display the permit or license at the vending site in a manner approved by the Finance Department.
11. Amplified music. Vendors and temporary merchants shall not use amplified music in conjunction with their use.

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12. Cooking mechanism. Mobile vending vehicles must have the BBQ grill, stove or other cooking mechanism enclosed and permanently built into the structure of the mobile vending vehicle.
13. Pedestrian zone. A mobile food truck and associated customer queues and approved accessory units shall not impair pedestrian passage and shall be sited to provide at least four feet of clear pedestrian path through sidewalks.
14. Mobile vending operations shall be prohibited from employing flashing, blinking or strobe lights or any other light emitting devices that are designed to draw attention to the use from the public right-of-ways, including sidewalks.
15. Mobile vending vehicle support equipment must not extend more than four (4) feet from the edge of the mobile vehicle and shall only be located on the sidewalk side for mobile food trucks.
16. Signs advertising the mobile vending vehicle, Christmas tree lots, and fireworks stands are subject to current sign standards.

In addition to the applicable General Standards of Operation detailed above, Temporary Merchants shall be subject to the following standards:

1. Temporary Merchants shall be limited to no more than ten (10) days per month (per location), to be specified at time of application,
2. Temporary uses may only operate on private property and shall vacate premises no later than 11:00 PM each night unless as otherwise specified in this ordinance;
3. Notwithstanding 4.08.110(A1) temporary uses may, by virtue of the City Council, operate on public property through a lease agreement of said public property;
4. Private lots containing temporary uses must meet the most basic requirements for site accessibility of pedestrians and motorists.

Christmas tree sales and fireworks stands (Fireworks stands can only be located on property in the Urban Growth Boundary) shall be permitted under the Temporary Merchant license with the following exceptions:

1. A Temporary Merchant license for Christmas tree sales is valid from Thanksgiving to New Years Day.
2. A Temporary Merchant license for Fireworks Stands is valid for no more than twenty-one (21) consecutive days preceding and following the Fourth of July. The days of operation shall be provided on the application.
3. The applicant shall comply with all State permitting requirements to operate a fireworks stand.
4. The temporary structure housing the trees or fireworks may remain on the property for the duration of the license.
5. A security guard or night watchman may remain on the property overnight in order to guard the merchandise for tree lots or fireworks stands.

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Application Process:

The permit application process begins when you submit this completed application to the City of Grants Pass. Keep in mind that acceptance of your application should in no way be construed as final approval or confirmation of your request. The application will be reviewed in accordance with Chapters 4.08 of the Grants Pass Municipal Code. The applicant is responsible for compliance with all applicable federal, state and local laws and regulations. Copies of the application and required supporting documents are forwarded and reviewed by all affected City departments and/or public agencies.

Required items:

Applicant must provide:

1. A complete application
2. A copy of the applicant's certificate of liability insurance naming the City as an additional insured. The amount required shall be in accordance with the most recently adopted number as per Ordinance 5517 and Resolution 5682.
3. A copy of Food Handlers Card (State of Oregon regulations require every commercial food worker who is involved in public food handling and preparation, to acquire a certified food handlers card.)
4. A copy of a valid Oregon motor vehicle operator's license
5. A business tax application
6. Fireworks – Approval from State Fire Marshal, complying with all the licensing requirements set forth in the "Fireworks Retail Sales Guidebook" which can be found at the following link: http://www.oregon.gov/osp/SFM/docs/licensing_permits/fireworks/retailsalesoperatorguidebook.pdf. The OSFM permit to sell is valid from June 23rd through July 6th.

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Business Name: _____

Location and Zoning district where applicant will be conducting business: _____

Provide specific days within a calendar month when the use will be occurring (time frame is limited to 10 days in a calendar month per location).

Hours of Operation: _____

I the property owner of the aforementioned address acknowledge and approve of this use on my property.

Property Owner Name (Please Print)

Property Owner Signature

Applicant Signature

Date

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Temporary Merchant

Business Name: _____

Finance Staff to collect the following:

- _____ A complete application
- _____ A copy of valid Food Handlers Card
- _____ A copy of a valid Oregon motor vehicle operator's license
- _____ Business and Occupation Tax Certificate application____ - _____ (NA – Fireworks)
- _____ Fireworks – Approval from State Fire Marshal
- _____ A copy of Certificate of Liability insurance
- _____ Take Picture _____ (Picture Number)
- _____ Fees Collected:
 - _____ Background Check (\$10.00 per individual)
 - _____ License and Application Fee (\$20.00)
 - _____ Business Tax Fee (see scale)

Route Completed form to Public Safety:

Public Safety

Date Routed to _____

Background (circle one)

Approved

Denied

If denied, attach written documentation regarding denial to the application and route packet to
Community Development

Signature

Date

Route to Community Development:

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Route to Community Development:

Community Development

Date Routed to _____

Zones (circle one)

Approved

Denied

If denied, attach written documentation regarding denial to the application and return packet to Customer Service

Signature

Date

Route to Customer Service:

Customer Service:

Date routed to: _____

Date Returned _____

Card Created _____

Applicant Contacted _____

Signature of individual issuing license

Date