

Portland Saturday Market 4263
108 W. Burnside 12-12-19 149017

Portland City Council
City Hall
1220 SW 5th
Portland, Oregon

Dear Council Members,

I wish to support the revision
in business license procedures ~~and~~
proposed by Bud Broxson for
events such as Portland Saturday Market.

We would gladly have our books audited
to verify that business license fees are
correctly paid. This revision will save
us many hours of paperwork which the
present ordinance requires.

Thanks,

Dana Comfort
mgr.

Received by [unclear] 12/22/79 4263

149017

SUNDAY AUTO MARKET

SUBJECT: Liability of Sunday Auto Market under ordinance regulating temporary vendors.

REVIEW: The City of Portland on April 1, 1979, adopted an ordinance regulating temporary vendors, requiring \$1.00 per day to be collected from each vendor by the promoter, who then submits payment to the Business Licenses Division.

On May 1, 1979, Sunday Auto Market was notified of this ordinance and told it had liability under the ordinance as of April 29, 1979.

Sunday Auto Market has been meeting with representatives of the Business Licenses Division and the City Attorney's Office to clarify this ruling of liability. We have asked for a City Attorney opinion. Dan Cooper of that office feels that as this ordinance is written, Sunday Auto Market must comply.

Sunday Auto Market approaches this question from two different directions: that of promoter (and tax collector), and that of representative of private individuals selling their personal vehicles. We feel that sellers at Sunday Auto Market should not be included under this ordinance.

ARGUMENT: The original intent of this ordinance was to locate and license those persons doing business within the City who didn't have a regular established place of business and thus avoided being found and licensed under Business License Laws. We feel that a person selling their personal vehicle is not the same as someone selling their products or services at a Saturday Market.

We don't think that just because the ordinance was written to include the word "market" that sellers at Sunday Auto Market should be included under the Temporary Vendors Ordinance.

People using Sunday Auto Market aren't engaged in selling cars or trucks for a commercial purpose or to make their livelihood. Professionals aren't allowed to sell at Sunday Auto Market.

SIMILAR EXAMPLES: Examples of similar operations which logically would not fit into this ruling, but under the "letter of the law" would, are:

A person who is selling his or her piano on consignment basis at a piano store would have to pay \$1.00 per day.

Camera shops also sell used equipment on a consignment. The shop owner would have to collect \$1.00 per day from the seller.

Second-hand stores and pawnshops sell items which don't belong to them. Each owner would have to be charged \$1.00 per day, collected by the shop owner.

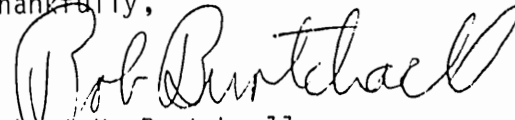
4H members who show their animals at the P.I. Show and then have them sold at auction would have to pay \$1.00 per day.

Restaurants and banks which show and offer for sale paintings and other art work would have to collect \$1.00 per day from the artists.

Real estate companies would have to collect \$1.00 a day from every owner of a home which had an "open house."

Sunday Auto Market requests an exclusion from this ordinance. We feel that such an exclusion is both fair and logical, while not weakening to the overall authority and purpose of the Temporary Vendors Ordinance.

Thankfully,



Robert K. Burtchael
Sunday Auto Market

ORDINANCE NO. 149047

An Ordinance amending Section 7.08.090 of Chapter 7.08, License Fees, of Title 7, Business Licenses, of the City Code by clarifying the responsibilities of license applicants and providing for a penalty for noncompliance with said section.

The City of Portland ordains:

Section 1. The Council finds:

- (1) Ordinance No. 147321, passed by the Council on March 1, 1979 and effective on April 12, 1979 amended Chapter 7.08 of the Code of the City of Portland, Oregon by adding Section 7.08.090 relative to promoters of trade shows, festivals, fairs, circuses, markets, flea markets, swapmeets and other similar events.
- (2) The responsibilities of an applicant for the license specified in Section 7.08.090 should be clarified in order to facilitate the collection of license fees and a penalty should be provided for applicants who do not comply with the provisions of Section 7.08.090 within seven days after promoting or operating an event described in said section.

NOW, THEREFORE, the Council directs:

- (a) Section 7.08.090 of Chapter 7.08, License Fees, of Title 7, Business Licenses, of the Code of the City of Portland, Oregon is hereby amended and shall hereafter read as follows:

7.08.090 Vendor, License required. Notwithstanding any of the other provisions of this code, it shall be unlawful for any person to promote or operate any trade show, festival, fair, circus, market, flea market, swapmeet, or other similar event where display space, display booths or tables are maintained for the selling of merchandise, regardless of whether the promoter or operator has obtained a license pursuant to this title, or is exempt pursuant to Section 7.06.030, without first obtaining a license and paying a fee of one dollar per vendor per day.

At the time of applying for a license pursuant to this section the applicant shall submit to the Business License Division: (1) a list of the total number of vendors participating at the event for which the license is sought, (2) a list of the number of participating vendors currently licensed under the business law and (3) the fee required for the license requested.

In determining the number of vendors at a given event, any vendor licensed under the business license law shall be excluded but a vendor exempt from licensing pursuant to Section 7.06.030 shall be included.

A promoter or operator of an event described in this section shall maintain a record of all vendors participating in such event and said records shall be available for inspection by Business License Division personnel during the course of normal business hours.

ORDINANCE No.

Notwithstanding the language of Section 7.10.010(a) of this title, a promoter or operator of an event described in this section who fails to file a correct application or fails to pay the required fee within seven days after holding such an event shall have added to the amount of the fee required hereunder a penalty of ten percent of the amount of such fee.

Any person doing business within the city by operating a booth or table at any event described in this section for which a license has been obtained and a fee paid pursuant to this section shall be deemed to be in compliance with the business license law in operating such booth or table.

Passed by the Council, JAN 17 1980

Mayor McCready
November 19, 1979
WRSelby/fg

Ernie McCready
Mayor of the City of Portland

Attest:

Samuel J. Selby
Auditor of the City of Portland

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Calendar No. ~~1263~~

ORDINANCE No. 149017

Title

An Ordinance amending Section 7.08.090 of Chapter 7.08, License Fees, of Title 7, Business Licenses, of the City Code by clarifying the responsibilities of license applicants and providing for a penalty for noncompliance with said section.

THURSDAY

DEC 13 1979

CONTINUED TO JAN 17 1980

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Mayor McCready

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>[Signature]</i>
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau:	
Prepared By: WRSelby/fg	Date: 11/19/79
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head: <i>[Signature]</i> Ron L. Lappi, Jr.	

NOTED BY
City Attorney
City Auditor
City Engineer <i>[Signature]</i>

Filed DEC 6 1979

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *[Signature]*
Deputy