

ORDINANCE NO. 253

AN ORDINANCE OF THE CITY OF DETROIT PROVIDING FOR THE REGULATION OF SEASONAL OUTDOOR VENDORS WITHIN THE CITY OF DETROIT; REQUIRING REGISTRATION OF VENDORS; ESTABLISHING RULES REGARDING THE PLACEMENT OF SIGNS USED BY VENDORS; AND PROVIDING A PENALTY FOR VIOLATION.

WHEREAS, the City Council of the City of Detroit has indicated a need for the regulation and registration of seasonal vendors; and

WHEREAS, regulating seasonal vendors will protect the general health, safety and welfare of the public.

THE CITY OF DETROIT, OREGON ORDAINS AS FOLLOWS:

SECTION 1. Vendor Defined

- A. A vendor is a person or persons who sell items, including but not limited to crafts, artwork, trinkets, produce, food & beverage items, clothing items or souvenirs from a temporary shelter, stand, vehicle or cart on a seasonal basis (April 15 through October 15).
- B. Exclusion: The sale of personal property acquired for household or other personal use by the seller is considered a garage or yard sale and allowed at a private residence only. (*Ord. 215 Section 2.G. and Section 4.A.*)

SECTION 2. Business License

- A. No person shall operate as a seasonal vendor without a business license issued by the City of Detroit and paying the required fee set by Resolution. The vendor is responsible to renew each year.
- B. Business License Application shall be on a form provided by the City. All vendors shall be required to provide the following information:
 - 1) Official picture identification in the form of a valid state issued driver's license, state issued identification card, or valid passport;
 - 2) Current contact information, including a valid mailing address and phone number;
 - 3) A current Oregon State food handler's certification if handling food;
 - 4) The location of vending (private, commercial-zoned property only);
 - 5) Property owner's signature to confirm permission for placement of a temporary shelter, stand, vehicle or cart; and
 - 6) Any other information deemed necessary to enforce this Ordinance.

SECTION 3. Method of Operation

- A. No vendor shall:
 - 1) Operate on city right-of-way
 - 2) Operate on residential or multi-family zoned land, developed or undeveloped
 - 3) Obstruct or impede vehicular or pedestrian traffic;
 - 4) Make any loud noise for the purpose of advertising or attracting attention to their wares;
 - 5) Leave their shelter, stand, vehicle or cart unattended;
 - 6) Sell from any location other than the registered location;
 - 7) Solicit or conduct business with any persons in motor vehicles located within any traffic lane;
 - 8) Unreasonably interfere with or obstruct the free flow of pedestrian traffic or access to businesses; or
 - 9) Violate any federal, state or local ordinance, statute or regulation.

SECTION 4. Signage

- A. Detroit Development Code 3.6.1. G. 7. – Signs for temporary businesses:
 - 1) Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs

may not exceed 32 square feet. All temporary signs must be placed within ten (10) feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

B. Detroit Development Code 1.3. – Definitions:

- 1) Portable Sign - Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.
- 2) Temporary Sign - A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

SECTION 5. Enforcement; Penalty; and Abatement

- 1) Any City of Detroit Ordinance Enforcement Officer is authorized to enforce this ordinance by issuing a Uniform Citation or other citation form complying with City Enforcement Ordinance No. 207.
- 2) Any person who shall be found guilty of violating any of the provisions of this ordinance commits a civil infraction punishable by up to \$250.00 per violation/per day, plus court costs and other costs associated with enforcement.
- 3) Any violation of this ordinance is deemed a nuisance. The abatement of such a nuisance is in addition to any other penalty or remedy. Such nuisance may be abated as provided in Detroit Ordinance No. 207 or in any other manner authorized by law.

SECTION 6. Separability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance, or such portion thereof, was enacted.

SECTION 7. Effective Date. This Ordinance shall take effect on the thirtieth day after its enactment.

First read before the City Council of the City of Detroit on _____

Second reading by title before the City Council of the City of Detroit on _____

Aye: ____ Nay: ____ Abstain: ____ Absent: ____

Signed:

James Trett, Mayor

Attest:

Christine Pavoni, City Recorder

Approved as to form:

Wallace W. Lien, City Attorney