

ORDINANCE NO. 218

AN ORDINANCE TO LICENSE, TAX AND REGULATE CIRCUSES, SHOWS, STREET PERFORMANCES, MERRY-GO-ROUNDS, BOWLING ALLEYS, PEDDLERS, FORTUNETELLERS, SALE OF MERCHANDISE ON ANY STREET, SIDEWALK OR PUBLIC THOROUGHFARE; PROHIBITING SALE OF MERCHANDISE ON PROPERTY NOT HIS OWN WITHOUT THE CONSENT OF THE OWNER THEREOF, AND KINDRED CALLINGS AND OCCUPATIONS WITHIN BAY CITY, OREGON; DESCRIBING THE CHARACTER OF SAID LICENSES AND THE MANNER OF ISSUING AND COLLECTING THE SAME; FIXING PENALTIES AND RESTRICTIONS IN RELATION THERETO; REPEALING ORDINANCE NO. 88 AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The city of Bay City ordains as follows:

Section 1. It shall be unlawful for any person, firm or corporation to engage in or carry on any calling or occupation within the corporate limits of Bay City, Oregon, for which the terms of this ordinance require the payment of a license, until such person, firm or corporation shall have secured and paid for a license described herein.

Section 2. Any person, firm or corporation required by this ordinance to secure a license before engaging in any calling or occupation mentioned herein shall, before engaging in such calling or occupation, pay to the city treasurer of Bay City, Oregon, the sum and amount prescribed and fixed herein as license fees; and upon payment of such license, such person, firm or corporation shall receive from the said city treasurer a license to conduct such calling or occupation. Such license shall be signed by the recorder and approved by the mayor, and shall show the name of the person, firm or corporation and the amount paid as a license fee and the time for which said license is issued.

All licenses issued under the terms of this ordinance shall date from the day of payment of said license fee, and shall be of force and effect for the day, week, month or other time mentioned next following the date of said payment, unless sooner revoked by order of the common council of Bay City.

Section 3. The proprietor, manager or agent of each and every circus, menagerie or show exhibiting in Bay City, Oregon, shall pay the following license fees: for a one-ring

circus, \$5 per day; for a two-ring circus, \$10 per day; for each and every side show, \$3 per day; for each and every show exhibiting under a tent and not classed as a circus but involving a display of wild animals in specific acts with an adept human being, \$2 per day (save and except in dog and pony show); for every dog, horse and pony show exhibiting under a tent, \$1 per day; and for every menagerie of animals not included in the terms trained animals exhibiting under a tent, \$1 per day.

Section 4. All shows, amusement ventures and public performances given in or upon the streets and highways of Bay City, Oregon as an attraction or auxiliary to the sale of any commodities, patent medicine, toy, novelty or other article usually sold in such manner shall, before **engaging** in any such performance, pay a license fee in the sum of \$5 for one day, \$15 for one week and \$25 for one month.

Section 5. The proprietor, manager or agent of any public game or amusement, such as flying horses, merry-go--rounds and similar and kindred performances, shall, before engaging in any such performance or occupation, secure the consent of the mayor of the city in writing to the particular location thereof; and such proprietor, manager or agent shall also pay a license fee of \$75 per month, \$30 per week or \$10 for each day.

Section 6. The proprietor, manager or agent of any bowling alley or shooting gallery shall pay a license fee of \$10 for one year, \$7.50 for six months; provided, however, that no such license shall [be] issued for any such business or occupation for [a] less[er] period than six months. Pro-vided further, that any proprietor of any shooting gallery may operate in **connection** therewith one or more doll racks, and shall not be required to pay any extra license for the operation of the same.

Section 7. (Superseded by Ord. 276, passed Nov. 3, 1960, classified 8-3.)

Section 8. [Superseded by Ord. 315, §4, passed Dec. 14, 1971, classified 5-2.]

Section 9. Any person, firm or corporation maintaining or conducting any stand for the sale of any goods, wares or merchandise on any street, sidewalk or thoroughfare, or who sells or offers for sale any goods, wares or merchandise from

any stand, automobile, wagon or other conveyance in or on any street, sidewalk or thoroughfare within the corporate limits of Bay City, shall pay a license fee of \$25 for each month, \$10 for each week or \$5 for each day.

Section 10. It shall be unlawful for any person, firm or corporation to maintain or conduct a stand or place for the sale of, or to sell or offer for sale, any goods, wares or merchandise on any property not his own and adjoining any street, sidewalk or thoroughfare within the corporate limits of Bay City without first having secured the written permission so to do from the owner of such property; and it shall be the duty of such person to exhibit such written permission upon demand of the marshal of Bay City.

Section 11. Any person or persons, firm or corporation, violating any of the provisions of this ordinance, shall, upon conviction thereof before the city recorder of Bay City, Oregon, be fined a sum not less than \$10 nor more than \$100; and in default of the payment of such fine, may be imprisoned in the city or county jail one day for every \$2 of such fine.

Section 12. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, and particularly Ordinance No. 88, be and the same are hereby repealed.

Section 13. Inasmuch as the peace, health and safety of the inhabitants of Bay City, Oregon, will be greatly promoted by the carrying out of the provisions of this ordinance, and

Whereas, the preservation of the peace, health and safety of the inhabitants of Bay City, Oregon, demand that this ordinance take immediate effect,

THEREFORE, the Common Council hereby declares an emergency to exist and this ordinance shall take effect and be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

Passes by the common Council this 6th day of May, 1937.

Approved by the Mayor this 6th day of May, 1937.

/s/ J.E. Provost
Mayor

Attest:

/s/ A. Paquet
City Recorder