



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: General Business

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**Agenda Date:** October 12, 2022

**From:** Christie Teets, City Recorder  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** Show Licenses – MMC Chapter 5.20

**FISCAL IMPACT:** TBD

**BACKGROUND:**

MMC Chapter 5.20 Show Licenses was created in 1979. Many changes have taken place since that time.

There are inconsistencies between Code language and Administrative Policies that Staff would like to correct.

## **Chapter 5.20 SHOW LICENSES**

(All Content Displayed)

- [5.20.010 Application—Required—Contents.](#)
- [5.20.020 Application—Insurance policy required.](#)
- [5.20.030 Application—Cash deposit or bond required.](#)
- [5.20.040 License—Issuance—Appeal of rejection.](#)
- [5.20.050 License—Fee.](#)
- [5.20.060 Exemptions.](#)

### **5.20.010 Application—Required—Contents.**

Any circus, carnival, music festival, concert and other show desiring to locate within the City for public performance or operation shall make written application for a license to the City Recorder at least 20 days prior to the intended date of the first public performance or operation. Such application shall contain, in addition to the proposed time and location of the performance, attraction or operation, such information as the Chief of Police shall reasonably require in order to be assured that the issuance of the requested license will in no respect endanger the public health, peace and safety of the City. (Ord. 1979-1 §1)

### **5.20.020 Application—Insurance policy required.**

The application for the license required in Section [5.20.010](#) must be accompanied by evidence of an adequate amount of insurance issued by a reputable insurance company, the insurance policy or policies so conditioned as to save the City harmless from any claim or liability for any injury to persons or property caused by the performance or operation of the applicant within the City. The adequacy of such insurance shall be determined by the City Recorder. (Ord. 1979-1 §2)

### **5.20.030 Application—Cash deposit or bond required.**

The application for the license shall be accompanied by a cash deposit or bond sufficient to indemnify the City for any increased cost in City services caused by the performance or operation of the applicant within the City, in order to prevent the public health, peace and safety of the City from being endangered. The amount of such deposit or bond shall be fixed by the City Recorder. Upon completion of the event, the City Recorder shall determine what the actual increased cost of City services were and deduct such amount to the general fund of the City. The license applicant shall agree to pay any excess costs of such services beyond the amount fixed by the deposit or bond,

and shall be entitled to the return of any amount deposited in excess of the actual increased cost. (Ord. 1979-1 §3)

#### **5.20.040 License—Issuance—Appeal of rejection.**

If the Chief of Police endorses his or her approval of the application for the license required by this chapter, based on the criteria indicated in Section 5.20.010, and the evidence of adequate insurance coverage required by Section 5.20.020 is satisfactory, and the deposit or bond required in Section 5.20.030 is satisfactory, the Recorder shall issue the license as requested upon payment of the fee set forth in Section 5.20.050. In the event that the application is rejected, the applicant may appeal in writing to the City Council. The City Council may, by resolution, waive or modify any of the above conditions of obtaining a license as to a particular applicant when it determines that to do so would be in the best interests of the City. (Ord. 1979-1 §4)

#### **5.20.050 License—Fee.**

The license fee for circuses, carnivals, music festivals, concerts and other shows shall be \$25.00 per day, or fraction thereof, during which such performance, attraction or operation is open to the public; provided, however, that no license fee shall be required of any circus, carnival, music festival or concert or other show, the entire proceeds of which are devoted to charitable purposes, and no part of which proceeds inure to the benefit of any person. (Ord. 1979-1 §5)

#### **5.20.060 Exemptions.**

The provisions of this chapter shall not be taken to apply to motion picture shows at permanently established motion picture theaters or activities sponsored by the local public school district. (Ord. 1979-1 §6)

## Chapter 5.20 ~~SHOW LICENSES~~ SPECIAL EVENTS

(All Content Displayed)

- 5.20.010 Application—Required—Contents.
- 5.20.020 Application—Insurance policy required.
- 5.20.030 Application—Cash deposit or bond required.
- 5.20.040 License—Issuance—Appeal of rejection.
- 5.20.050 License—Fee.
- 5.20.060 Exemptions.

### 5.20.010 Application—Required—Contents.

Any circus, carnival, music festival, concert, rodeo, and other show desiring to locate within the City for public performance or operation shall make written application for a license to the City Recorder. Applications must be received at least 20 45 days prior to the intended date of the first public performance or operation. Events that draw a group of over 1,000 need to be submitted 60 days in advance. Such application shall contain, in addition to the proposed time and location of the performance, attraction or operation, such information as the Chief of Police City Administration shall reasonably require in order to be assured that the issuance of the requested license will in no respect endanger the public health, peace and safety of the City. (Ord. 1979-1 §1)

### 5.20.020 Application—Insurance policy required.

The application for the license required in Section 5.20.010 must be accompanied by evidence of an adequate amount of insurance issued by a reputable insurance company, the insurance policy or policies so conditioned as to save the City harmless from any claim or liability for any injury to persons or property caused by the performance or operation of the applicant within the City. The adequacy of such insurance shall be determined by the City Recorder. (Ord. 1979-1 §2)

### 5.20.030 Application—Cash deposit or bond required.

The application for the license shall be accompanied by a cash deposit or bond sufficient to indemnify the City for any increased cost in City services caused by the performance or operation of the applicant within the City, in order to prevent the public health, peace and safety of the City from being endangered. The amount of such deposit or bond shall be fixed by the City Recorder Manager or designee. Upon completion of the event, the City Recorder Manager shall determine what the actual increased cost of City services were and deduct such amount to the general fund of the City. The license applicant shall agree to pay any excess costs of such services beyond

the amount fixed by the deposit or bond, and shall be entitled to the return of any amount deposited in excess of the actual increased cost. (Ord. 1979-1 §3)

#### **5.20.040 License—Issuance—Appeal of rejection.**

If ~~the Chief of Police~~ **City Administration** endorses his or her approval of the application for the license required by this chapter, based on the criteria indicated in Section 5.20.010, and the evidence of adequate insurance coverage required by Section 5.20.020 is satisfactory, and the deposit or bond required in Section 5.20.030 is satisfactory, the Recorder shall issue the license as requested upon payment of the fee set forth in Section 5.20.050. In the event that the application is rejected, the applicant may appeal in writing to the City Council. ~~The City Council may, by resolution, waive or modify any of the above conditions of obtaining a license as to a particular applicant when it determines that to do so would be in the best interests of the City.~~ (Ord. 1979-1 §4)

#### **5.20.050 License—Fee.**

The license fee for ~~circuses, carnivals, music festivals, concerts and other shows~~ **events described in Section 5.20.010** shall be **determined by the City's fee schedule, set by Resolution.** ~~\$25.00 per day, or fraction thereof, during which such performance, attraction or operation is open to the public; provided, however, that no license fee shall be required of any circus, carnival, music festival or concert or other show, the entire proceeds of which are devoted to charitable purposes, and no part of which proceeds inure to the benefit of any person.~~ (Ord. 1979-1 §5) **Remove or rewrite.**

**Events that require additional staff such as Police Officers or Public Works employees may be required to pay an additional fee to the City. The fee is set by Resolution and enforced by the City Manager.**

#### **5.20.060 Exemptions.**

The provisions of this chapter shall not be taken to apply to motion picture shows at permanently established motion picture theaters or activities sponsored by the local public school district. (Ord. 1979-1 §6) **REMOVE OR REWRITE**

#### **5.20.070 Following Temporary Uses Standards**

**Applicant shall adhere to Molalla Municipal Code Chapter 17-2.3.150, Temporary Uses, A. Seasonal and Special Events guidelines. All items are addressed in the Special Event Application submitted to the City.**



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### Staff Report

### Agenda Category: General Business

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**Agenda Date:** October 12, 2022

**From:** Christie Teets, City Recorder  
**Approved by:** Dan Huff, City Manager

**SUBJECT:** BINGO Code Language – MMC Chapter 5.12

**FISCAL IMPACT:** TBD

**BACKGROUND:**

Section 5.12.040 BINGO License – Application – Fee, set an annual fee of \$100. See attached Code Language.

The City of Molalla has had a BINGO Ordinance since 1981. An Administrative Fee of \$100 was set at that time, continued through Resolution No. 2013-17.

The City has not assessed BINGO fees since before 2017. Unless Council changes to language need to be made, Staff intends to implement this Policy in January 2023.

Title 5 BUSINESS LICENSES, TAXES AND REGULATIONS

**Chapter 5.12 BINGO**

5.12.010 Authorized.

5.12.020 Charitable, fraternal and religious organizations defined.

5.12.030 License—Required.

5.12.040 License—Application—Fee.

5.12.050 Violation—Penalty.

**5.12.010 Authorized.**

The operation of the lottery commonly known as bingo by charitable, fraternal or religious organizations is authorized within the City of Molalla subject to the provisions of this chapter. (Ord. 1981-4 §4)

**5.12.020 Charitable, fraternal and religious organizations defined.**

The terms “charitable, fraternal and religious organizations” shall have the same meaning as provided in Article XV, Section 4(2) of the Oregon Constitution. (Ord. 1981-4 §2)

**5.12.030 License—Required.**

It is unlawful for any person or organization to operate bingo without first having obtained a license issued by the City of Molalla. (Ord. 1981-4 §3)

**5.12.040 License—Application—Fee.**

Application shall be made annually to the City of Molalla for a license to operate bingo. No license shall be issued until the applicant has complied with the notification requirements of ORS 465.100(2). An annual fee of \$100.00 shall accompany the application for license. (Ord. 1981-4 §4)

**5.12.050 Violation—Penalty.**

Any person or organization who violates the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or 180 days imprisonment, or both; further, the right to apply for a license to operate bingo may be suspended by the Municipal Court for a period not to exceed one year upon conviction under this chapter. (Ord. 1981-4 §5)

## **Chapter 10.42 OVERNIGHT PARKING IN CITY-OWNED PARKING LOTS**

### **10.42.010 Overnight parking in city parking lots prohibited without permit.**

No person shall stop, stand or park a vehicle or trailer on city parking lots overnight, except as permitted herein. (Ord. 2008-09)

### **10.42.015 Exception.**

The provisions of the above section shall not apply to emergency vehicles or to vehicles for which an overnight parking permit has been issued and is in effect. City employees who are working for the city during these hours are also exempt. It is within the discretion of the City Manager to waive overnight parking permits fees for residential tenants of buildings abutting city-owned lots and other guests or visitors upon a determination that it is in the best interests of the city. (Ord. 2008-09)

### **10.42.020 Parking permit.**

Any person intending to stop, stand or park a vehicle or trailer on city-owned parking lots overnight on any day may apply to the City Recorder for a permit in accordance with administrative procedures established by the City Manager or designee. Denial by the city of a parking permit application may be appealed to the City Manager or City Council. (Ord. 2008-09)

### **10.42.025 Fees.**

Fees for overnight parking permits will be established by resolution by the City Council and maintained in the city administrative list of fees. (Ord. 2008-09)

### **10.42.030 Overnight parking permits.**

- A. An overnight parking permit will be issued once the overnight parking application has been received and the fee is paid.
- B. An overnight parking permit may be purchased on a per night, per week, per month or annual basis, as determined by the City Manager or designee.
- C. Overnight parking permits must be displayed by parked vehicles so as to be easily visible from outside the vehicle. (Ord. 2008-09)

### **10.42.035 Penalties.**

- A. Vehicles or trailers parked in a city-owned lot overnight without a permit are subject to a citation as provided in Section [10.41.120](#).
- B. Vehicles or trailers parked in a city-owned lot for 72 hours or more without a permit are subject to being towed and impounded at the owner's expense, as provided in Sections [10.41.100](#) and [10.41.110](#). (Ord. 2008-09)

### **10.42.040 Notification.**

The City Manager shall ensure that signage is posted in city-owned parking lots sufficient to inform motorists of overnight parking restrictions. (Ord. 2008-09)



# Problem Statement:

## Overnight Parking in City Owned Parking Lots

### Lots being misused:

- Individuals – Parking in lot for extended periods while leaving vehicle, living in vehicle, and/or using vehicle as gathering place for nefarious activity.
  - *E.g: Truck that burned in Community Center lot*
- Nearby Residences – Using lots as residential parking without permits
- Nearby Businesses – Using lot as storage area for customer vehicles without permit.

### Enforceability Issues:

- MMC 10.42.010 No person shall stop, stand or park a vehicle or trailer on city parking lots **overnight**, except as permitted herein. (Ord. 2008-09)
  - *Lack of definition renders this provision unenforceable and may produce undesired outcomes (e.g. graveyard shift employee)*
- MMC 10.42.035 Vehicles or trailers parked in a city-owned lot for **72 hours or more** without a permit are subject to being towed and impounded at the owner's expense, as provided in Sections 10.41.100 and 10.41.110. (Ord. 2008-09)
  - *Extended timeframe makes evidence gathering to support this action unattainable – must prove that vehicle was parked there for 72 continuous hours.*

