

ORDINANCE BILL NO. 1 FOR 2013

ORDINANCE NO. 1232

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 5.12 PERTAINING TO PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.

The City of Sweet Homes does ordain as follows:

SECTION 1. Sweet Home Municipal Code Section 5.12.020 DEFINITIONS shall be amended to read as follows:

5.12.020 DEFINITIONS.

When used in this chapter, the following terms shall have the following meanings:

CHARITABLE ORGANIZATION. A nonprofit organization that is soliciting for its charitable purposes.

PEDDLER. Any person, whether a resident of the city or not, traveling by foot, or any type of conveyance, from place to place, conveying anything of value, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who solicits orders and as a separate transaction makes deliveries to purchasers shall be deemed a peddler subject to the provisions of this chapter.

PERSON. The singular and the plural and shall also mean and include any person, firm or corporation, association, club, copartnership or society or any other organization.

SOLICITOR. Any person, whether resident of the city or not, who goes from house to house, place to place, soliciting or taking or attempting to take orders for things of value, including wares, merchandise, magazines, books, periodicals or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the order or whether or not he or she is collecting advance payments on the orders.

TRANSIENT MERCHANT. Any person whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling goods, wares or merchandise within the city, and who, in furtherance of such purposes, occupies any place within the city for the exhibition and sale of the goods, wares or merchandise. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting the transient business in connection with, as a part of, or in the name of any local merchant.

SECTION 2. Sweet Home Municipal Code Section 5.12.030 EXCLUSIONS.

shall be amended to read as follows:

5.12.030 EXCLUSIONS.

The terms of this chapter shall not be held to include persons selling personal property at wholesale to dealers, persons who sell or deliver goods and/or services to businesses which regularly handle or use the goods and/or services in their business, or persons who have the consent of the occupant of the real property to enter on it before they come to the real property as part of a routine or regular route connected with persons at the real property. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law. The terms of this chapter shall not be held to include the acts of persons soliciting money, donations of money or property or financial assistance of any kind or selling or distributing any item or literature or merchandise for a fee upon the streets, in business buildings, by house to house canvass or in public places for religious purposes, political purposes or charitable purposes, when the solicitations are made by a bona fide member of organizations sponsoring the canvasses. Professional agents in the employ of such organizations shall be included under and be subject to the provisions of this chapter.

SECTION 3. The beginning part ending with the colon of the first sentence of Sweet Home Municipal Code Section 5.12.040 A of REGISTRATION FORM is amended to read as follows:

A. A person registering as a peddler or solicitor shall file with the city a form to be provided by the city and shall give the following information:

SECTION 4. Subsection A 4 of Sweet Home Municipal Code Section 5.12.040 of REGISTRATION FORM is amended to read as follows:

4. A statement as to whether or not the registrar has been convicted of any crime, felony or misdemeanor, the nature of the offense and the punishment or penalty assessed therefor, within the last fifteen years for a felony and the last five years for a misdemeanor, if the convictions and sentencing are themselves public records; and a statement as to whether or not the registrar is currently the subject of a Stalking Order or Restraining Order issued by a Court of Competent Jurisdiction that is itself a public record;

SECTION 5. Sweet Home Municipal Code Section 5.12.040 D of REGISTRATION FORM is created to read as follows:

D. The City of Sweet Home shall process an application within two business days of its receipt.

SECTION 6. Sweet Home Municipal Code Section 5.12.040 E of

REGISTRATION FORM is created to read as follows:

E. A person registering as a transient merchant shall file with the city a form to be provided by the city that shall give the following information:

1. Name, description, photo identification issued by state or federal government and driver's license number or state ID number of the registrar;

2. Address and phone number, both legal and local of the registrar;

3. Name, address and phone number, both legal and local of employer/sponsor, if any, and relationship to same;

4. The name of the owner of the property where the temporary business is to be located;

5. A plot plan for temporary business including set backs;

6. Description of event or business with proposed location and length of time in Sweet Home;

7. If a vehicle is to be used, a description of the same, together with license number or other means of identification; and

8. Signature of registrar verifying that all the information on the form is true and verifying that the owner of the property has given permission for the Transient Merchant.

SECTION 7. Sweet Home Municipal Code Section 5.12.060 title shall be changed to EXHIBIT OF LICENCE and is amended to read as follows:

A registrar including any peddler, solicitor or transient merchant shall exhibit his or her licence form supplied by the city for exhibit on request of any citizen.

SECTION 8. Sweet Home Municipal Code Section 5.12.070 of DUTY OF POLICE TO ENFORCE is amended to read as follows:

A police officer may require a peddler, solicitor or transient merchant to produce his or her licence form supplied by the city for exhibit. A police officer shall enforce the provisions of this chapter against any person found to be violating same.

SECTION 9. Sweet Home Municipal Code Section 5.12.100 D of DENIAL OR REVOCATION OF REGISTRATION is amended to read as follows:

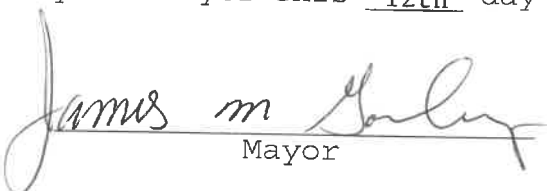
D. For a peddler or solicitor conviction within the last fifteen years for any felony. For a peddler or solicitor conviction within the last five years of any misdemeanor involving

moral turpitude or other characteristics that would relate directly to the safety (either economic or physical) of the public by the person conducting or participating in the event or business. For a solicitor or peddler who is a current subject of a Stalking Order which is based on danger, force or threat to a victim or a Restraining Order involving physical abuse or threat of physical abuse issued by a Court of competent jurisdiction. Time spent in jail or prison shall extend the time period for the 15 year period and the 5 year period for a maximum of 2 years from the date of application.

SECTION 10. Sweet Home Municipal Code Section 5.12.130 of VIOLATION is amended to read as follows:

Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Chapter 9.36 and any amendments thereto. Each day's violation is a separate offense.

PASSED by the Council and approved by the Mayor this 12th day of March, 2013.


Mayor

ATTEST:


City Manager - Ex Officio City Recorder