

AN ORDINANCE DEFINING, REGULATING, AND LICENSING, PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS OF THE CITY OF SWEET HOME: AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF SWEET HOME DO ORDAIN AS FOLLOWS:

Section 1. License required. No person may engage in the business of a peddler, solicitor, or transient merchant, as defined in this ordinance, without first obtaining a license as provided in this ordinance. Each employee of a firm so engaged shall be licensed individually as provided herein.

Section 2. Definitions. When used in this ordinance, the following terms shall have the following meanings:

A. The word "person" as used herein shall include 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.

B. The word "peddler" as used herein shall include any person, whether a resident of the City of Sweet Home or not, travelling 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, without travelling from place to place, shall sell or offer the same for sale from a vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler subject to the provisions of this ordinance. The word "peddler" shall include the words "hawker" and "huckster".

C. "Canvasser" or "Solicitor" shall include any person, whether a resident of the City of Sweet Home 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 such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition shall include any person who, for himself, or for any other person, hires, leases, uses or occupies any place within the city for the primary purpose of exhibiting samples and taking orders for future delivery.

D. "Transient Merchant" shall include any person, firm or corporation whether as owner, agent, consignee, or employe, whether a resident of the city of Sweet Home or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, and who, in furtherance of such purposes, occupies any place within the city for the exhibition and sale of such goods, wares and merchandise. The person so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local merchant.

Section 3. Exclusions. The terms of this ordinance shall not be held to include the acts of persons selling personal property at wholesale to dealers, nor to newsboys, nor to the resident merchants or their employes in delivering goods in a regular course of business, nor shall the terms of this ordinance be held to include or to apply to any producer or his employe selling agricultural or farm products produced from the soil of Linn County, Oregon by said producer or his employe nor shall the same apply to the sale of nursery products by the producer thereof from the soil of Linn County. Nothing contained in this ordinance 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. It shall not include vendors of milk, bakery products, groceries or other similar perishable products who distribute their products to regular customers on established routes.

Section 3B. The terms of this ordinance shall not be held to include the acts or 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 charitable, religious, patriotic, or philanthropic purpose when the solicitations are made by a bona fide member of organizations sponsoring such canvasses; professional agents in the employ of such organizations shall be included under the provisions of this ordinance.

Section 4. Application.

A. An applicant for a peddlers, solicitor, license shall file with the Police Chief a sworn application in writing on a form to be provided by the City that shall give the following information:

- (a) Name and description of the applicant;
- (b) Address, both legal and local;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship to the employer;
- (e) The length of time for which the right to do business is desired;
- (f) If a vehicle is to be used, a description of the same, together with license number or other means of identification;
- (g) The fingerprints of the applicant;
- (h) The names of at least two reliable property owners of Linn County who will certify as to the applicant's good character and business responsibility; or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant that enables an investigator to properly evaluate such character and business responsibility;
- (i) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2", showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (j) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor;
- (k) The last cities, not to exceed three, where applicant carried on business immediately preceding date of application and the addresses from which such business was so conducted.

B. At the time of filing the application, the applicant shall pay a fee of \$10.00 to the Police Chief to cover the cost of investigation.

C. When a person makes an application for renewal of an existing license, the investigation fee shall not be required, but the application form shall be brought up to date.

Section 5. Investigation and Issuance. Upon receipt of such application, the Police Chief shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Police Chief shall endorse on such application his disapproval and his reasons for the same, and shall notify the applicant that his application is disapproved and that no license will be issued.

If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse on the application his approval, and shall execute a license addressed to the applicant for the carrying on of the business applied for. Such license shall show the name and address of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance, the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Police Chief shall keep a permanent record of all licenses issued.

After payment of investigation and annual fees, the license shall be endorsed by the Police Chief, and shall then be issued to the licensee. The licensee shall thereafter have the license readily available on his person or vehicle when in the conduct of his business.

Section 6. License Fees. An annual license fee in the amount of \$25.00 shall be paid prior to the endorsement of the license application by the Police Chief. A license may be renewed before expiration for a period of one year upon payment of another annual license fee of \$25.00. The term of a peddler's license is from January 1 to December 31, inclusive. A person licensed after the first day of July shall pay \$15.00.

Section 7. Transfer. No license issued under the provisions of this ordinance shall be used by a person other than the one to whom issued.

Section 8. Exhibit of License. A licensee shall exhibit his license on the request of any citizen.

Section 9. Duty of Police to Enforce. A police officer may require a peddler, solicitor or transient merchant, who is not known by the officer to be regularly licensed, to produce his license. The officer shall enforce the provisions of this ordinance against any person found to be violating same.

Section 10. No licensee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 11. Loud noises and Speaking devices. No licensee, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the City, or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any wares which the licensee proposes to sell.

Section 12. Revocation of License. A license issued under the provisions of this ordinance may be revoked by the Police Chief after notice for any of the following causes: (a) fraud, misrepresentation, or false statement contained in the application for license;

(b) fraud, misrepresentation, or false statement made in the course of carrying on the licensed activity;

(c) a violation of this ordinance;

(d) conviction of any crime or misdemeanor involving moral turpitude; or

(e) conducting the licensed activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Section 13. Appeal. Any person aggrieved by the action of the Police Chief in denying an application for a license, or in revoking a license, shall have the right of appeal to the City Council of the City of Sweet Home. The applicant or licensee shall file with the Council a written statement setting forth fully the grounds for the appeal within 14 days after the day the notice is mailed indicating disapproval or revocation of a license.

Notice of the hearing for revocation of a license shall be given in writing to the licensee, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days before the date set for hearing.

The decision and order of the Council on such appeal shall be final and conclusive.

Section 14. Reapplication. No licensee or applicant whose license has been revoked or denied shall make further application until a period of at least six months shall have elapsed since the last previous revocation or denial.

Section 15. Penalty. Any person violating any provision of this ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for a period not to exceed 90 days or by a fine not to exceed \$1,000, or both.

Section 16. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, except that Ordinance No. 117, entitled "An Ordinance forbidding solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise from trespassing in and upon private residences when uninvited so to do by the owners and occupants of said private residence, in soliciting and attempting to solicit orders, or in selling and exposing for sale wares and merchandise, and declaring such soliciting to be a nuisance, and directing the police authorities to abate such nuisances, and fixing the penalty for committing such nuisances" shall continue to remain in effect.

Section 17. It being deemed by the city Council of Sweet Home, Oregon that an emergency exists, this ordinance shall be in force and effect from and after its passage and approval.

PASSED by the Council and approved by the Mayor this 23 day of July, 1963.

ATTEST:

Robert S. White
City Manager and ex-officio City Recorder

William F. Semy
Mayor