

1st July 6-53
2d Aug 3-53
3d Aug 13

ORDINANCE NO. 284

AN ORDINANCE defining, regulating and licensing peddlers and providing penalties for the violation thereof.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF STAYTON, OREGON

Section 1. PERMIT AND LICENSE REQUIRED: It shall be unlawful for any person to engage in the business of peddler as defined in Section 2 of this ordinance within the corporate limits of the Town of Stayton without first obtaining a permit and license therefor as provided herein.

Section 2. DEFINITIONS (a) The word "person" shall include the singular and the plural and shall also mean and include any person, firm or corporation association club co-partnership or society, or any other organization.

(b) The word "peddler" as used herein shall include any person, whether a resident of the Town of Stayton or not, travelling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, 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 wagon, automotive vehicle, railroad car, or other 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 "hawkers" and "huckster". The word "peddler" shall not be construed as applying to the vendors of newspapers upon the streets.

Section 3. Application. Applicants for permit and license under this ordinance must file with the city recorder a sworn statement in writing (in duplicate) on a form to be furnished by the City Recorder

which shall give the following information:

- (a) Name and description of the applicant.
- (b) Address (legal and Local)
- (c) A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (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) A photograph of the applicant, that is taken within 60 days immediately prior to the date of the filing of the application, which picture will be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (h) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Marion, State of Oregon, who will certify as to the applicant's good character and business responsibility or, in lieu, of the names and references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such good character and business responsibility.
- (i) At the time of the filing of application, a fee of \$5.00 shall be paid to the City recorder to cover the cost of investigation. No investigation fee shall be required, and none of the above information need be furnished on applications for renewals of existing licenses.
- (j) In lieu of an application being filed by each peddler, the employers of any peddler may file applications for such permits for all peddlers employed by him, and upon satisfactory proof being furnished of the matters hereinbefore set forth, such licenses or permits shall be issued to the employer for such number of peddlers as shall be named in the application and such application shall set forth the names of all the peddlers to be covered by such licenses, provided, however, that the employer may make substitutions and may have the City Recorder transfer such permits or licences from one peddler employed by him to another so employed without paying any additional fee upon furnishing the above information as to peddler.

Section 4. INVESTIGATION AND ISSUANCE (a) Upon receipt of such application, the original shall be referred to the chief of police, who 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.

(b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police, shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Recorder, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return the said permit, along with the application to the City Recorder, who shall, upon the payment of the prescribed fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph 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 and 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 treasurer shall keep a permanent record of all licenses issued.

Section 5. FEES (a) COMPUTATION OF

- (1) \$ 5⁰⁰ per day, \$ 35⁰⁰ per year for each person proposing to peddle on foot.
- (2) \$ 7⁵⁰ per day, \$ 40⁰⁰ per year for each person, proposing to peddle from a wagon, motor vehicle, railroad car, or other vehicle conveyance;
- (3) \$ 15⁰⁰ per day, \$ 45⁰⁰ per week, \$ 150⁰⁰ per month, or \$ 300⁰⁰ per year for each person proposing to peddle and make sales upon any street or within the street area either with or without the use of vehicles.
- (4) \$ 1⁰⁰ per day, \$ 10⁰⁰ per year for each helper, or assistant to those using vehicles, which helpers must procure the permit and license as herein provided for peddlers.
- (5) No fee shall be required of one selling products of the farm or orchard actually produced by the seller.
- (6) Where the employer takes out the license or permit he shall pay a fee equal to one-half of the fee that would be required for the same number of peddlers under the above provisions of this ordinance provided that fee shall not be less than \$10.00

(b) Basis of Fees The annual fees herein provided for shall be assessed on a calendar year basis and on and after July 1st the amount of the fee for such annual licenses shall be one half of the amount stipulated for the remainder of the year.

Section 6. TRANSFER. No license or badge issued under the provisions of this ordinance shall be used or worn at any time by any person other than the one to whom it was issued.

Section 7. LOUD NOISES AND SPEAKING DEVICES. No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn ring a bell or use any sound devices, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said city or upon any private premises in the said 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 goods, wares or merchandise which such licensee proposes to sell.

Section 8. USE OF STREETS. No peddler 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 the police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 9. EXHIBITION OF LICENSE. Peddlers are required to exhibit their license at the request of any citizen.

Section 10. DUTY OF POLICE TO ENFORCE. It shall be the duty of any police officer of the Town of Stayton to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 11. REVOCATION OF LICENSE. (a) Permits and licenses issued under the provisions of this ordinance may be revoked by the City Recorder of the Town of Stayton after notice and hearing for any of the following causes.

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;
- (3) Any violation of this ordinance
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddling 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.

(b) Notice of the hearing for revocation of a license shall be given in writing, 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 (5) days prior to the date set for hearing.

Section 12 APPEAL. Any person aggrieved by the action of the chief of police or the city recorder in the denial of an application for permit or license as provided in section 4 of this ordinance, or in the decision with reference to the revocation of a license as provided in section 11 of this ordinance, shall have the right of appeal to the Council of the Town of Stayton. Such appeal shall be taken by filing with the council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 11 of this ordinance for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.

Section 13. EXPIRATION OF LICENSE. All annual licenses issued under the provisions of this ordinance shall expire on the 31st of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

Section 14. PENALTY. Any person violating any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine not to exceed one hundred dollars (⁵\$100.00) or by imprisonment not to exceed 60 days or both such fine and imprisonment.

Section 15. SEVERENCE CLAUSE. The provisions of this ordinance are declared to be severable and if any section, sentence or clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 16 REPEAL OF CONFLICTING ORDINANCES. That this ordinance is made to repeal ordinance no. 355 and ordinance No. 257 and all other ordinances and parts of ordinances inconsistent with the provisions of this ordinance, be and the same hereby are repealed.

Passed and adopted by the Common C^Uncil this _____ day of _____, 1953.

Signed by the Mayor this 3rd day of August, 1953.

M. J. Martin
Mayor

Recorder