

1st July 6 - 53  
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ORDINANCE NO. 285

AN ORDINANCE defining, regulating and licensing solicitors and canvassers 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 solicitor or canvasser as defined in section 2 of this ordinance to engage in such business within the corporate limits of the Town of Stayton without first obtaining a permit and license therefor in compliance with the provisions of this ordinance.

Section 2. DEFINITIONS. A canvasser or solicitor is defined as any individual, whether resident of the Town of Stayton or not, travelling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of good, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting in advance payments on such sales or not, provided that such definition shall include any person, who, for himself, or for another person, firm or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad car, boat, hotel room, lodging house, apartment house, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

Section 3. APPLICATION. Applicants for permit and license under this ordinance must file with the city recorder a sworn application 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) Permanent home address and full local address of the applicant;
- (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.
- (e) The length of time for which the right to do business is desired.
- (f) The name and address of the firm from where the goods or property proposed to be sold are to be shipped and the proposed method of delivery.
- (g) 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;
- (h) The fingerprints of the applicant the names of at least two reliable property owner of the County of Marion, Oregon, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidences as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

At the time of filing the application, a fee of \$5.00 shall be paid to the City Recorder to cover the cost of investigation of the facts stated therein. No investigation fee shall be required, and none of the above information need be furnished, on applications for renewals of the existing licenses.

In lieu of an application being filed by each solicitor or canvasser, the employer of any solicitor or canvasser may file applications for such permits for all solicitors or canvassers 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 solicitors or canvassers as shall be named in the application, and such application shall set forth the names of all solicitors and/or canvassers to be covered by such license; provided, however, that the employer may make substitutions and may have the city recorder transfer such permits or license from one solicitor or canvasser employed by him to another so employed without paying any additional fee upon furnishing the above information as to the solicitor or canvasser.

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 the application, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the City Recorder, who shall, upon payment of the prescribed license 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 soliciting or canvassing. The treasurer shall keep a permanent record of all licenses issued.

Section 5 FEES (a) The license fee which shall be charged by the city recorder for such licenses shall be \$ 5<sup>00</sup> per month, or \$ 23<sup>00</sup> per year, or if the license be taken out by the employer then \$ 50<sup>00</sup> per year for 3 or less solicitors, \$ 75<sup>00</sup> per year for more than 3 solicitors.

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

(c) None of the license fees provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city administrator for an adjustment of the fee so that it shall

not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the city administrator may deem necessary in order to determine the extent if any, of such undue burden on such commerce. The city administrator shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the city administrator shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on business of a like nature, so long as the amount assessed does not exceed the fees prescribed by section 5 (a) of this ordinance. Should the city administrator determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the Town of Stayton or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in section 5 (a) of this ordinance.

Section 6. EXHIBITION OF LICENSE. Solicitors and canvassers are required to exhibit their licenses at the request of any citizen.

Section 7. DUTY OF POLICE TO ENFORCE. It shall be the duty of any police officer of the Town of Stayton to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 8. REVOCATION OF LICENSE. (a) Permits and licenses issued under the provisions of this ordinance may be revoked by the City administrator 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 solicitor or as canvasser;
- (3) Any violation of this ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business or soliciting, or of canvassing, 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 9. APPEAL. Any person aggrieved by the action of the chief of police or the city recorder in the denial of a permit or license as provided in section 4 of this ordinance, or the action of a city administrator in the assessing of the fee as provided in section 5 (c) of this ordinance shall have the right to appeal to the council of the Town of Stayton. Such appeal shall be taken by filing with the council within fourteen (14) days after notice of the action complained of has been mailed to such persons' 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 8 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 10. EXPIRATION OF LICENSE. All annual license 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 11. PENALTY. Any person violating any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine not to exceed \$ 500.<sup>00</sup> or by imprisonment not to exceed 60 days or both such fine and imprisonment.

Section 12. SEVERANCE CLAUSE. The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect 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 13. REPEAL OF CONFLICTING ORDINANCES. That this ordinance is made to repeal ordinance no. 255 + 257 and all other ordinances and parts of ordinances, inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

PASSED BY THE COMMON COUNCIL This 3d day of August, 1953,  
SIGNED by the Mayor this 3d day of August, 1953.

M. J. Martin  
MAYOR

ATTEST

RECORDER