

ORDINANCE BILL NO. 8 FOR 1988

ORDINANCE NO. 978

AN ORDINANCE AMENDING ORD. NO. 425; REGULATING AND LICENSING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS OF THE CITY OF SWEET HOME; REPEALING ORD. NO. 117; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council finds it necessary and desirable to regulate peddlers, solicitors, and transient merchants in order to provide a means to gather information so that if a law is violated or a complaint raised, appropriate action can be taken;

Section 1. Section 1 of Ordinance No. 425 is amended to read 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 employe or member of an organization so engaged shall be licensed individually as provided herein.

Section 2. Section 3 of Ordinance No. 425 is amended to read as follows:

Section 3. Exclusions. The terms of this ordinance 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 said 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 that real property. 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. The terms of this ordinance 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, 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 and be subject to the provisions of this ordinance.

Section 3. Section 4 of Ordinance No. 425 is amended to read as follows:

Section 4. Application.

A. An applicant for a peddler's, solicitor's or transient merchant's license shall file with the Police Chief an application in writing on a form to be provided by the City that shall give the following information:

(a) Name, description and Driver's License Number of the applicant;

(b) Address and phone number, both legal and local;

(c) A brief description of the nature of the business and the goods to be sold;

(d) If employed/sponsored, the name and address of the employer/sponsor, together with credentials establishing the exact relationship to the employer/sponsor;

(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 names of at least two reliable property owners in 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.

(h) A statement as to whether or not the applicant has been convicted of any crime, including felony or misdemeanor, the nature of the offense and the punishment or penalty assessed therefor, within the last five (5) years.

(i) 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. When a person makes an application for renewal of an existing license, the application form shall be brought up-to-date.

Section 4. Section 5 of Ordinance No. 425 is amended to read as follows:

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. A background investigation that contacts two cities in which the applicant's business has been conducted and a police computer check of the applicant, together with contacting the main business headquarters of the applicant is a sufficient investigation.

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 cause a license to be issued 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 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 business. The Police Chief shall keep a permanent record of all licenses issued. The license shall be endorsed by the Police Chief, or his representative, 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 5. Section 6 of Ordinance No. 425 is amended to read as follows:

Section 6. License Term. A license may be renewed before expiration of its term. The term of a license is from January 1, to December 31, inclusive.

Secton 6. Section 16 of Ordinance No. 425 is amended to read as follows:

Section 16. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, including Ordinance No. 117.


Section 7. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the Council and approved by the Mayor
this 13th day of September, 1988.



Mayor

ATTEST:



City Manager and Ex-Officio
City Recorder