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ORDINANCE NO. 921

AN ORDINANCE DEFINING, REGULATING AND LICENSING PEDDLERS AND SOLICITORS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND DECLARING AN EMERGENCY,

THE CITY OF HOOD RIVER DOES ORDAIN AS FOLLOWS:

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

Section 2. DEFINITIONS.

a. The word "person" as used herein shall include the singular and 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" or "solicitor" as used herein shall include any person whether a resident of the City of Hood River or not, who goes from house to house or from place to place within the City of Hood River, taking orders for goods, wares or merchandise or any particle or thing of value for present or future delivery or for services to then be performed or to be performed in the future or for the making, manufacture or repair of any article or thing whatsoever for present or future delivery; provided, however, that this shall not be deemed to include regular commercial travelers employed by wholesale houses and selling goods, wares merchandise and services to merchants of this city, nor to newspaper vendors.

Section 3. APPLICATION. Applicants for permit and license under this ordinance must file with the City Recorder a sworn application in writing, 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 or services to be performed 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 a license number or other means of identification.

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 a 2" x 2", showing the head and shoulders of the applicant in a clear and distinguishing manner.

h. 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 of the penalty assessed therefor.

i. Applicant shall file with his application a statement by a reputable physician of the City of Hood River, dated not more than 10 days prior to submission of the application certifying applicant to be free of infectious, contagious or communicable disease.

j. At the time of filing the application, a fee of \$1.00 shall be paid to the City Recorder to cover the cost of investigation

Section 4. INVESTIGATIONS AND ISSUANCE.

a. Upon receipt of such application, the same shall be referred to the City Marshal 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, and who shall make a report thereof to the City Recorder within a period of 30 days from the date of the filing of the application.

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

c. If, as a result of such an investigation, the character and business responsibility of the applicant is found to be satisfactory, the City Marshal 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 permit, together 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 of the issuing officer and shall show the name and address of the licensee, the type of or class of license issued, the kind of goods to be sold or the services to be performed 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 information identifying the description of any vehicle used in such peddling. The City Recorder shall keep a permit record of all licenses issued.

d. If any applicant for a permit and license shall be unwilling to receive a license only upon the conclusion of a 30 day period of investigation as provided herein, and he desires the issuance of a license immediately upon application for such permit, he may deposit with the City Recorder a cash or good and sufficient surety bond in the sum of One Thousand Dollars (\$1000) conditioned upon the making of final delivery of the goods ordered or services to be performed in accordance with the terms of such order or failing therein, that the advanced payment of such order be refunded. Thereupon such license or licenses may immediately be issued. Any person aggrieved by the action of any peddler or solicitor shall have a right of action on the bond for the recovery of money or damages or both. Such bond shall remain on deposit for a period of six (6) months after the expiration of such license, unless sooner released by the City Council of the City of Hood River.

Section 5. FEES.

A. License fees to be paid by each licensee prior to the issuance of any license shall be as follows:

- (1) \$25.00 per week  
\$50.00 per month, or  
\$100.00 per year

For each person proposing to peddle or solicit on foot.

- (2) \$25.00 per week  
\$50.00 per month, or  
\$100.00 per year

For each person proposing to peddle or solicit by using hand cart or push cart.

- (3) \$25.00 per week  
\$50.00 per month, or  
\$100.00 per year

For each person proposing to peddle to solicit from a wagon, motor vehicle or other vehicle conveyance.

(4) No fee shall be required of one selling goods or merchandise or performing services on a purely non-profit basis for charitable, educational or religious benefit, provided such facts are established by the applicant to the satisfaction of the City Recorder.

(5) Any and all persons claiming to have the right under State or Federal law to peddle or solicit in the City of Hood River without payment of license fee, shall nevertheless, apply for and secure a peddler's license in the manner set forth in this ordinance and it shall be the duty and responsibility of such persons to establish their right to receive such license without the payment of the fees herein set forth to the satisfaction of the City Recorder of the City of Hood River or the City Marshal of said city in the event of the absence of the City Recorder from said City.

b. BASIS OF FEES. For the purpose of this ordinance, any period of seven (7) calendar days, or less, shall be considered one week; any period of more than seven (7) days and not more than thirty (30) calendar days, shall be considered one month; any period of more than thirty (30) calendar days, and not more than one calendar year, shall be treated as a year. The annual fees herein provided shall be assessed on a calendar year basis and on and after July 1st, the amount of the fee for such annual license shall be one-half the amount stipulated for the year.

Section 6. LOUD NOISES AND SPEAKING DEVICES. No peddler or solicitor 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 place of said city or upon any private premises in 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 7. USE OF STREETS. No peddler or solicitor shall have any exclusive right to any location on the public streets nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operation 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 8. EXHIBITION OF LICENSE. Peddlers or solicitors are required to exhibit their licenses at the request of any police officer or of any citizen.

Section 9. ORDERS. All orders taken by licensed solicitors shall be in writing in duplicate, stating the same as it appears on the license, and address, of both the solicitor and his employer, the terms whereof and the amount paid in advance, and one copy shall be given the purchaser.

Section 10. RECORDS. The City Marshal shall report to the City Recorder all convictions for violation of this ordinance and the City Recorder shall maintain a record for each license issued and record the reports of the violation thereof.

Section 11. REVOCATION OF LICENSE. Any such license may be revoked by the City Recorder of said city for the violation of any of the ordinances of the City or of any State or Federal law, and whenever such peddler or solicitor shall, in the judgment of the City Recorder, cease to possess the

character and qualifications required by this ordinance for the issuance of such permit.

Section 12. APPEAL. Any person aggrieved by the action of the City Marshal or City Recorder in the denial of an application for permit or license as provided in Section 4, hereof, or in the decision with reference to the revocation of a license as provided in Section 11 hereof, shall have the right of appeal to the Common Council of Hood River. Such appeal shall be taken by filing with the Council within ten (10) days after notice of the action complained of has been mailed to such person's last known address, a statement setting forth fully the ground for appeal. The Council shall set a time and place for a hearing of such appeal and notice of such hearing shall be given to the applicant by the mailing thereof, postage prepaid to the appellant, at his last known address, at least 5 days prior to the date set for hearing. 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 day of December in the year when issued. All other licenses shall expire on the date specified in the license. Any licenses holding an expired license shall, in order to obtain a new license, make application therefore and follow all of the requirements of this ordinance as fully as if no license had ever been issued to him.

Section 14. EXCEPTION. This ordinance shall not apply to the peddlers or solicitors of, or taking orders for the sale of any fruits, vegetables, berries, butter, eggs, milk, poultry, meats or farm products raised or produced, by such peddler or solicitor.

Section 15. 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 (\$100.00) or by imprisonment not to exceed sixty (60) days, or by both such fine and imprisonment for each offense. Every day upon which such violation shall occur or upon which such violation shall continue shall constitute a separate offense.

Section 16. 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 section, sentences, clauses and phrases hereof, but they shall remain in effect, it being the intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 17. REPEAL OF CONFLICTING ORDINANCES. All parts of Ordinance No. 842 and all other ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance be and the same are hereby repealed.

Section 18. EMERGENCY CLAUSE AND EFFECTIVE DATE. Whereas in many instances the people of the City of Hood River are being duped and defrauded by itinerant peddlers or solicitors, and WHEREAS, the City of Hood River is losing revenue from the failure of itinerant and other peddlers to pay any taxes, an emergency hereby is declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in full force and effect from and after its passage by the City Council of said City and approved by the Mayor of said City.

Passed by the Common Council this 26th day of September 1949.  
Approved by the Mayor this 26<sup>th</sup> day of September, 1949.

ATTEST:

W. M. Saylor  
City Recorder

W. Saylor  
Mayor