

## Chapter 5.08

## PEDDLERS AND SOLICITORS

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## 5.08.010 Definitions

For the purpose of this chapter, the following words are used herein shall be considered to have the meaning herein ascribed thereto:

**APeddler@** means one who sells tangible commodities from house to house, or on the streets

or in any public place; his sales are not made from one established spot excepting where they are made in a street or other public place and he makes delivery at the time of the sale.

**ARegistered solicitor or peddler@** means and includes any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**AResidence@** means and includes every separate living unit occupied for residential purposes by one or more person, contained within any type of building or structure.

**ASoliciting@** means and included any one or more of the following activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or

2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character: or

3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or

4. Seeking to obtain gifts or contributions of money, clothing, or any other valuable

thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project. (*Ord. 281 '1, 1978*)

**5.08.020 Certificate of registration - Required B Fee.**

Every person desiring to engage in soliciting or in the business of hawker or peddler of any merchandise, article of thing as herein defined, from persons in residences within this municipality, is hereby required to make written application for certificate of registration hereinafter provided. Such certificate shall be carried by such solicitor or peddler.

The fee for such certificate of registration shall be set by resolution of the Council. (*Ord 2000-02 '2, 2000*)

**5.08.030 Certificate of registration B Application**

A. Application for certificate of registration shall be made upon a form provided by the municipality. The applicant shall truthfully state in full the information requested on the application, to-wit:

1. Name and address of present place of residence and length of residence at such address; also business address if other than present address;
2. Address of place of residence during the past three years if other than present address;
3. Age of applicant;
4. Physical description of the applicant;

The *City Clerk* shall cause to be kept in her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the

5. Name and address of the person, firm, or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;

6. Name and address of employer during the past three years if other than the present employer;

7. Description sufficient for identification of the subject matter of the solicitation in which applicant will engage;

8. Period of time which the certificate is applied;

9. The date, or approximate date, of the latest previous application for certificate under this chapter, if any;

10. Has a certificate or registration issued to the applicant under this chapter ever been revoked?

11. Has the applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the *United States*?

12. Description and number of vehicles.

B. All statements made by the applicant upon the application or in connection there with shall be under oath.

C. The applicant shall submit to fingerprinting by the police department of the municipality in connection with the application for the certificate. (*Ord. 281 '3 (part), 1978*)

**5.08.040 Certificate of registration B Records.**

denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate numbers of the application upon which it was issued. (*Ord. 281 '3*)

(part), 1978)

**5.08.050 Certificates of registration**  
**B Denial.**

No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of any other state or federal law of the *United States*, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided. (*Ord. 281 ' 3 (part), 1978*)

**5.08.060 Certification of registration**  
**B Revocation.**

A. Any certificate of registration issued hereunder shall be revoked by law enforcement officials if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate registration under the terms of a certificate of registration under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the law enforcement officer to the holder of the certificate in person or by certified *United States* mail addressed to his or her residence address set forth in the application.

B. Immediately upon the giving of such notice the certificate of registration shall be come null and void. (*Ord. 281 ' 4 (part), 1978*)

**5.08.070 Certificate of registration**  
**B**

A. It shall be the duty of every solicitor or peddler upon going onto any premises in the municipality upon which a residence as herein defined is located, to first examine the notice provided for

**Expiration.**

The certificate of registration shall state the expiration date thereof. (*Ord. 281 ' 4 (part), 1978*)

**5.08.080 Form of notice to solicitors.**

Every person desiring to secure the protection provided by the regulations pertaining to soliciting contained in this chapter, shall comply with the following directions, to-wit:

A. Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following.

B. A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

*AOnly Solicitors and Peddlers  
Registered in Port Orford Invited,@ or  
ANo Solicitors or Peddlers Invited.@*

C. The letters shall be at least one-third inch in height. For the purpose of uniformity the cards shall be provided by law enforcement officials to persons requesting, at the cost thereof.

D. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (*Ord 281 " 5, 7 (part), 1878*)

**5.08.090 Duty of solicitor or peddler to comply with notice.**

in this chapter, if any is attached, and be governed by the statement contained on any notice. If the notice states *AOnly Solicitors and Peddlers Registered in Port Orford Invited,@* the solicitor or

peddler not possessing a valid certificate or registration as herein provided shall immediately and peacefully depart from the premises, and if the notice states *ANo Solicitors or Peddlers Invited@* then the solicitor or peddler, whether registered or not, shall immediately and peacefully depart from the premises.

B. Any solicitor or peddler who has gained entrance to any residence, whether invited or not shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord 281 '6, 1978)

**5.08.100 Defiance of notice declared nuisance.**

It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting or peddling as set forth above, in defiance of the notice exhibited at the residence in accordance with the provisions of *Section 5.08.090* of this chapter. (Ord. 281 '7 (part), 1978)

**5.08.110 Soliciting or peddling prohibited when.**

It is declared to be unlawful and shall constitute a nuisance for any person whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the

purpose of securing an audience with the occupant thereof and engage in soliciting or peddling as herein defined, prior to nine a.m. or after nine p.m. of any weekday, or at any time on a Sunday or on a state of national holiday. (Ord. 281 '8, 1978)

**5.08.120 Identification card required.**

Each solicitor and peddler shall wear an I.D. card provided by the *City Clerks=* office. (Ord 281 '9, 1978)

**5.08.130 Exemptions.**

This chapter shall not apply to peddlers or solicitors seeking to obtain orders or sales from local merchants. (Ord 281 '12, 1978)

**5.08.140 Violation B Penalty.**

A. Any solicitor or peddler who shall be guilty of any fraud, misrepresentation or deceptive practice whether through himself or through an employer or representative while acting as a solicitor in the municipality shall be deemed guilty of a violation of this chapter.

B. Any person violating any provision s of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. (Ord. 281 "10, 11 1978)