

5-10-82

ORDINANCE NO. 295

AN ORDINANCE REQUIRING A PERMIT FOR BUSINESS AND CHARITABLE SOLICITATIONS; ADOPTING PENALTIES FOR VIOLATION; ADOPTING REVENUE SECTIONS 3.100 TO 3.150 AND 3.990; AND REPEALING PRIOR ORDINANCES.

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. The following sections are hereby adopted as part of the City of Drain Revenue Code:

3.100 Definitions. For purposes of revenue sections 3.100 to 3.150, the following terms mean:

Peddler or itinerant merchant is any person who as principal or as agent of another goes from place to place or house to house, carrying for sale, goods, wares, merchandise or services to persons other than merchants or selling or offering to sell for future delivery by sample or catalog, at retail, to persons who are not merchants, goods, wares, merchandise or services.

Merchant is a person whose business is dealing in goods or services.

Charitable solicitation is the request, either directly or indirectly, for money, credit, property, financial assistance or other thing of value on the representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable purpose.

Charitable means patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal.

Transient merchant is any person who conducts or participates in the selling or offering for sale of goods, wares, or merchandise from a fixed place of business temporarily maintained in the city.

3.105 Permit Required.

(1) No person shall engage in business as a peddler, itinerant merchant, or transient merchant without first obtaining a permit from the City Administrator.

(2) No person shall engage in charitable solicitation without first obtaining a permit from the City Administrator unless the solicitation is made for an organization operating exclusively for charitable purposes and not for the pecuniary profit of any person and is conducted among the members of the organization by members of the organization voluntarily and without remuneration.

3.110 Application for Permit for Charitable Solicitation.

An applicant for a permit to engage in charitable solicitation not exempt from the application requirement pursuant to Revenue Code § 3.105(2), shall submit an application to the City Administrator. The application shall include the following information:

- (a) The name of the applicant and the purpose for which the permit is sought.
- (b) The names and addresses of the officers and directors of the organization.
- (c) Whether or not commissions, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.
- (d) The period during which solicitation is to be carried on and the areas of the city to be covered.
- (e) The names of all members or representatives who will be soliciting.
- (f) The name and address of the representative of the organization designated to receive notice from the city.

3.115 Application for Permit to Engage in Business as Peddler, Itinerant Merchant, or Transient Merchant.

An applicant for a permit to engage in business as a peddler, itinerant merchant, or transient merchant shall submit an application to the City Administrator. The application shall include the following information:

- (a) The applicant's true name, permanent address, and an address which the city may use for purposes of notifying the applicant.
- (b) The true name and address of a person for whom the applicant is acting as agent. If the applicant is acting as the agent of a corporation:
  - (1) The address of the registered office of the corporation in Oregon; and
  - (2) The name and address of the registered agent of the corporation in Oregon.
- (c) A description of the nature of the business operation the applicant will conduct.
- (d) A description of the goods, wares, merchandise or services the applicant will offer for sale.
- (e) The location from which the applicant will operate.
- (f) The length of time the applicant will conduct the business and the hours of operation.

3.120 Application Fee. An applicant for a permit shall pay a fee of \$25.00. No permit shall be issued until this fee has been paid.

3.125 Issuance of Permit. If the City Administrator finds that the procedures set forth in Revenue Code sections 3.110 to 3.120 have been complied with, the City Administrator shall issue the permit unless the City Administrator finds that the information provided by the applicant is false or misleading or that the applicant's proposed activity will present a danger to the public health, safety, morals or general welfare of the citizens of the City of Drain which cannot be alleviated through the imposition of a condition of operation.

3.130 Conditions of Permit. Conditions of operation that are necessary to protect the public health, safety, morals and general welfare of the citizens of the City of Drain may be imposed on a permit. All permits shall also be subject to the following conditions:

- (a) The permit shall be valid for the period of time for which it is issued, which time period shall be stated on the permit and which shall not exceed one year.
- (b) The permit is nontransferable.
- (c) Conduct of the permittee shall conform with the statements made in the application and any special conditions of operation imposed on the permit.
- (d) The permittee shall carry and upon request display the permit when engaged in activities permitted under the permit.
- (e) The permittee shall abide by all applicable city, state and federal laws, rules and regulations.

3.140 Revocation of Permit. The City Administrator may revoke the permit if the permittee fails to comply with or violates any of the provisions of Revenue Code sections 3.110 to 3.130, by sending the permittee notice at the address specified in the permit application, that unless the permittee appeals the action within 10 days of the notice, the permittee will no longer be able to operate as of the 10th day after notice is sent.

3.150 Council Hearing. A permittee who receives notice that a permit is being revoked may appeal the revocation by notifying the City Administrator within 10 days of the date of the notice, in writing, of a request for a hearing before the City Council. The hearing shall be held at the next regularly or specially scheduled Council meeting. The permittee may continue to operate until the hearing takes place. The Council shall determine after hearing whether the permit should be revoked.

3.990 Penalties.

- (1) Violation of section 3.105 is punishable by a fine

of not less than \$50.00 but not to exceed \$500.00.

(2) Engaging in an activity for which a permit has been revoked is punishable by a fine not to exceed \$500.00 or confinement in jail not to exceed 100 days, or both fine and imprisonment.

Section 2. All ordinances or resolutions relating to business or charitable solicitations and any other ordinances or resolutions in conflict herewith, are hereby repealed.

Passed by the Council this

14 day of June, 1982

Robert A. Gray

Approved by the Mayor this

14 day of June, 1982

Grant S. Lewis  
Mayor