

ORDINANCE NO. 495

AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS, PROHIBITING SOLICITATION WITHOUT A LICENSE, REPEALING WILSONVILLE CODE, SECTIONS 7.000, PROHIBITION, AND 7.010, PENALTY, AND AMENDING CHAPTER 7 OF THE WILSONVILLE CODE BY ADDING NEW SECTIONS 7.000 TO 7.010.

WHEREAS, the citizens of this City are entitled to the quiet enjoyment of their residences and to conduct their businesses without undue interference, including being protected from unwelcome disturbances and disruptions of privacy; and

WHEREAS, the City has an obligation to protect its citizens against criminal activity, including fraud and burglary, and

WHEREAS, all businesses are required to be licensed under municipal ordinance, unless specifically exempt; and in order to preserve the public health, safety and welfare, the City Council finds it needs to control and license door-to-door solicitors and peddlers by either exempt or non-exempt business licenses;

NOW, THEREFORE, THE WILSONVILLE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Wilsonville Code, Peddlers and Transient Merchants, Sections 7.000, Prohibition, and 7.010, Penalty, are hereby repealed and the Wilsonville Code, Chapter 7 is amended to include the following:

PEDDLERS AND SOLICITORS

7.000 Definitions

For purposes of this section, the following words have the following meanings:

(1) Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported.

(2) Contributions means and includes the words alms, money, subscription, property, pledge, or any donations under the guise of a loan or money or property.

(3) License Review Officer means the Finance Director or the Director's designee.

(4) Peddler means any person over the age of sixteen (16) years who goes upon the premises of any private residence in the City, without invitation of the occupant or owner thereof, to offer goods, merchandise, or personal property, for sale, or to solicit orders for goods or services to be delivered in the future.

(5) Peddling includes all activities ordinarily performed by a peddler as indicated under paragraph (4) of this Section.

(6) Person means a natural person or any firm, corporation, club, society or other organization.

(7) Solicitor means any person sixteen years of age or older who goes upon the premises of any private residence in the City without invitation of the occupant or owner thereof, and who communicates in any manner for the purpose of taking orders or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future. This definition also includes any person who, without invitation of the occupant or owner, goes upon private property to request contribution of funds or anything of value, or to sell goods or services, for any political, charitable, religious, or other non-commercial purpose.

(8) Solicitation includes all activities, as ordinarily performed by a solicitor as indicated under paragraph (7) of this Section.

7.010 Permit Required

(1) It shall be unlawful for any person sixteen years or older to engage in peddling or solicitation activities within the City without first obtaining a permit from the City.

(2) It is an affirmative defense to prosecution under this section that a person has written permission from a property owner or occupant before soliciting upon that owner's or occupant's premises.

7.020 Application

(1) Any person who wishes to solicit within the City shall file a written application with the City, through the Department of Finance, which shall show:

- (a) Proof of a valid City of Wilsonville business license or proof of exemption from the business license requirements.
- (b) Proof of the age, identity and the home address of the applicant. A valid driver's license or other legally recognized form of identification constitutes acceptable proof.
- (c) The name, address and telephone number of the employer, firm, association, organization, or company which the applicant represents or is employed by.
- (d) Written proof of authority to represent the company or individual.
- (e) A brief description of the nature, character, and quality of the goods to be sold or information given.

- (f) If a motor vehicle is to be used, a description of the vehicle, together with the motor vehicle registration number and license number.
- (g) The hours and location for which the right to peddle or solicit is desired.
- (h) The dates of solicitation.
- (i) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof.
- (j) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this section.

(2) The application shall be accompanied by a fee in the amount of \$20.00. The City Council may from time to time change the fee amount by resolution.

(3) A permit issued under this section shall be valid for the length of time requested and shown on the permit, not to exceed six months. Upon expiration of a permit, the solicitor or peddler may apply for a new permit in the manner prescribed by this section.

(4) It shall be unlawful for any person to intentionally misrepresent or provide false information in the permit application filed with the City.

7.030 Permit Procedure

(1) After receiving a completed application, the Department of Finance shall issue a solicitation permit within five (5) working days unless it has been determined that the application contains false information or the person has been convicted within the last five (5) years of a felony, in which case the permit shall not be issued.

(2) The permit card shall contain the name, address and telephone number of the solicitor or peddler, a permit number, the kinds of goods or services to be sold or delivered, the location for peddling and solicitation and date of expiration.

(3) It shall be unlawful for any person to peddle or solicit at locations or for the kinds of goods and services not listed in the permit.

(4) It shall be unlawful for any person soliciting to fail or refuse to display such permit card upon the request of any prospective customer or City officer or employee.

7.040 Solicitation Requirements

(1) It shall be unlawful for any person, whether a solicitation permit has been issued or otherwise, to go upon private, residential, commercial or industrial property to solicit or peddle where the property owner or lessee has posted the words "No Solicitors" or their equivalent, in a conspicuous place near the entrance to the residence or property, unless invited by the occupant or owner of the premises.

(2) Solicitation and/or peddling will only be permitted between the hours of 9:00 a.m. and 8:00 p.m. local time.

7.050 Permit Revocation

Any permit issued under this Ordinance may be revoked or suspended by the Director of Finance, after notice and hearing, for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a permit;

(2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;

(3) Conducting peddling or solicitation activities contrary to the provisions contained in the permit;

(4) Conviction for any crime involving moral turpitude; or

(5) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

7.060 Notice and Hearing

Notice of a hearing for revocation of a permit issued under this Ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

7.070 Appeal

Any person who has been denied a permit to solicit may appeal to the License Review Officer by filing an appeal in the form of a letter or other statement within ten days after notice of denial has been mailed by the City. The appeal shall set forth in writing the grounds for the appeal. A hearing on the denial shall be scheduled within 20 days of the filing of the appeal, and the decision and order of the License Review Officer shall be final. The License Review Officer shall be the Director of Finance or his or her designee.

7.080 Penalty

(1) Any person who violates any of the provisions of WC 7.010, 7.020, 7.030, and 7.040 or any determination issued upon an appeal to the License

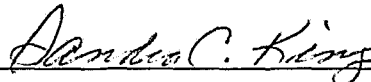
Review Officer or any revocation by the Finance Director shall be punished for a violation pursuant to WC 1.012, and upon second conviction shall be punished for a Class C Misdemeanor pursuant to WC 1.011.

(2) The provisions of WC 7.050(1) are not intended to be exclusive, and the City by and through the City Attorney may seek any and all other forms of relief, including, but not limited to, injunctive or declaratory relief.

7.090 Severability

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions 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 remain in effect notwithstanding the invalidity of any part.

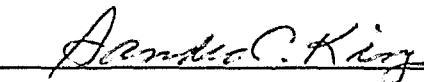
SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 15th day of December, 1997, and scheduled for the second reading at a regular meeting of the Council on the 5th day of January, 1998, commencing at the hour of 7 p.m. at the Community/Senior Center.



SANDRA C. KING, CMC, City Recorder

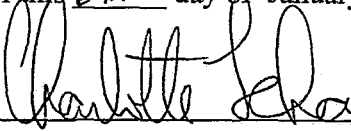
ENACTED by the City Council on the 5th day of January 1998, by the following votes:

YEAS: 5 NAYS: -0-



SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 6TH day of January 1998.



CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Luper	Yes
Councilor Helser	Yes
Councilor Barton	Yes