

ORDINANCE NO. 1471

AN ORDINANCE regulating the business of canvassing, and/or peddling of goods, wares and merchandise by transient and/or itinerant peddlers and repealing all ordinances and parts of ordinances in conflict herewith, defining what shall constitute a transient or itinerant peddler, providing for a license, providing a penalty for the violation hereof and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. The term "Transient" and/or "itinerant" shall be deemed to mean and include all persons, both principals and agents who engage in conducting within the City of Albany either in one locality or travelling from house to house and place to place a transient or temporary business with the intention of continuing in such business in any one place for a period of not more than 180 days.

Section 2. No person being a transient or itinerant peddler within the meaning of this ordinance shall engage in the business of canvassing and/or peddling goods, wares and merchandise or engage in the selling of the same by sample within the City of Albany without first having paid the tax and secured a license therefor as herein provided.

Section 3. Any transient or itinerant peddler who, for himself or as agent of another, goes from house to house or from place to place in the City of Albany selling or taking orders for or offering to sell or take orders for any goods, wares and merchandise for future delivery shall be deemed to engage in canvassing within the meaning of this ordinance.

Any transient or itinerant peddler who for himself or as agent of another, goes from house to house or from place to place carrying for sale and offering or exposing for sale either by outcry or otherwise, goods, wares or merchandise shall be deemed to be engaged in peddling.

Any transient or itinerant peddler who, for himself, or as agent for another, goes from house to house or from place to place selling or offering to sell for future delivery by sample or catalogue at retail to individual purchasers who are not dealing in the articles sold or offered for sale, any goods, wares or merchandise shall be deemed to be selling by sample.

Section 4. Any transient or itinerant peddler, either for himself or as agent for another, wishing to engage in the business of canvassing, peddling or selling by sample any goods, wares or merchandise in the City of Albany shall make and file a written or printed application therefor in the office of the City Recorder and therein state his name, residence or place of abode, his business address, general nature of the goods sold or offered to be sold, whether travelling on foot or otherwise in carrying on the business and the term for which the license is wanted and the names of two or more municipalities where said applicant last operated. Upon the filing of such application and the payment to the Recorder of the license fee prescribed in this ordinance the Recorder shall refer such application to the Council's Committee on licenses, which said committee shall have fourteen days within which to act upon said application and to allow or disallow the same. Upon the approval of said application by said Committee the Recorder shall execute and deliver to the applicant a written or printed license setting forth the facts required to be stated in the application therefor and any other fact necessary as identification of the person or business of the licensee and any such other requirements as may be required by the Committee on licenses.

In the event the applicant should intend to establish a permanent business in the City of Albany for the purpose of carrying on the business mentioned in said application for a period of more than 180 days he may file with the Recorder a cash bond in a sum not less than the amount of the license fee required under said application, which said bond shall be conditioned that in the event the applicant should continue in business for a period of more than 180 days then and in such event said bond shall become null and void, otherwise the same shall be in full force and effect, the penalty thereof to be collected and retained by the City of Albany in lieu of said license fee.

Section 5. No license granted pursuant to this ordinance shall be assignable, and no license shall be granted to any corporation, stock company, partnership or association. And under any license so granted only the person to whom it is granted shall engage in peddling or selling by sample as herein provided.

Section 6. The tax and license fee to be paid for the licenses herein provided shall be as follows:

Class A. For canvassing, peddling or offering to sell by sample on foot:
 Subdivision 1. Where any article or product is sold or offered for sale at a price of one dollar or less: Per day, \$2.00; per week, \$6.00; per month, \$18.00; for three months, \$50.00; and for one year \$100.00.

Subdivision 2. Where any article or product is sold or offered for sale for more than one dollar up to twenty-five dollars, double the amount set forth in subdivision 1.

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Subdivision 3. Where any article or product is sold or offered for sale for \$25.00 or upwards, four times the amount set forth in subdivision 1.

Class B. For canvassing, reddling or offering to sell by sample any article or product with horse, power or other vehicle, double the fees set forth in subdivisions 1,2 and 3 of Class A hereof.

Section 7. That this ordinance shall not apply to any person selling or offering for sale or canvassing for newspapers and religious tracts, agricultural or farm products by the producer thereof, or his employee, but does apply to canvassing for magazines, photographs, pictures and picture frames.

Section 8. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9. Any person violating any of the provisions of this ordinance upon conviction thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment in the City Jail for a period not to exceed fifty days or by both such fine and imprisonment.

Section 10. Whereas, the immediate peace, health and safety of the people of the City of Albany is involved, therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

Passed by the Council this 22nd day of March, 1939.
Approved by the Mayor this 22nd day of March, 1939.

C.R. Ashton
Mayor

Attest *[Signature]*
Recorder of the City of Albany, Oregon.

STATE OF OREGON)
COUNTY OF LINN) ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, Linn County, State of Oregon, do hereby certify that the foregoing copy of Ordinance # 1471, has been by me carefully compared with the original Ordinance Bill # 1585, now on file in this office, and that it is a true and correct copy of the whole of said Ordinance Bill # 1585, passed by the Council of the City of Albany, on March 22, 1939, and approved by the Mayor, March 22, 1939.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 23rd day of March, 1939.

[Signature]
Recorder of the City of Albany, Oregon.