

Title 2

BUSINESS REGULATIONS

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Chapter 1

PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS

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2-1-1: DEFINITIONS: When used in this Chapter, the following terms shall have the following meanings.

CANVASSER OR SOLICITOR Shall include any person, whether a resident of the City or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for the sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition shall include any person who for himself or for another person, hires, leases, uses or occupies any building, motor vehicle, structure, tent, railroad boxcar,

boat, hotel room, lodging house, apartment, shop or other place within the City for the primary purpose of exhibiting samples and taking orders for future delivery.

PEDDLER

Shall include any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Chapter shall be deemed a peddler subject to the provisions of this Chapter. The word "peddler" shall include the words "hawker" and "huckster". It shall not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes.

PERSON

Shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society or any other organization.

TRANSIENT MERCHANT

Shall include any person, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within said City, and who, in furtherance of such

purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, trailer, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley or other place within the City for the exhibition, and sale of such goods, wares, and merchandise, either privately or at public auction; provided, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

2-1-2: LICENSE REQUIRED: It shall be unlawful for any peddler, canvasser, solicitor or transient merchant, as defined in Section 2-1-1 of this Chapter, to engage in any such business within the City without first obtaining a license therefore in compliance with the provisions of this Chapter.

2-1-3: LICENSE APPLICATION: Applicants for a license under this Chapter 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 physical description of applicant:
- B. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made;
- C. A brief description of the nature of the business and the goods to be sold;
- D. If employed, the name and address of the employer, together with credentials therefore establishing the exact relationship;

- E. The length of time for which the right to do business is desired;
- F. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- G. A recent photograph of the applicant which picture shall be approximately two inches by two inches (2" x 2") showing the head and shoulders of the applicant in a clear and distinguishing manner;
- H. The names of at least two (2) property owners of the County, who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, such other available evidence to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- I. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any Municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefore;
- J. The last cities or villages, not to exceed three (3) where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities; (Ord. 134 10-3-51)
- K. At the time of filing the application, a fee of two dollars (\$2.00) **[per resolution now \$20]** shall be paid to the City Recorder to cover the cost of investigation of the facts stated therein. This fee may be amended by resolution of the City Council from time to time. (Ord 134,10-3-51; 1986 Code)

2-1-4: INVESTIGATION AND ISSUANCE:

- A. Upon receipt of each application, it shall be referred to the City peace officer, who shall immediately

institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this Section within ten (10) days after it has been filed by the applicant with the City Recorder.

- B. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the City peace officer shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Recorder, who shall notify the applicant that his application is disapproved and that no license will be issued.
- C. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the City peace officer shall endorse on the application his approval and return the application to the City Recorder who shall, upon payment of the prescribed license fee, deliver to the applicant his license; such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued, and date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such licensed business. Each peddler, canvasser or solicitor or transient merchant must secure a personal license. No license shall be used at any time by any other person than the one to whom it is issued. The Recorder shall keep a permanent recorder of all licenses issued.

2-1-5: LICENSE FEES AND TAXES:

- A. Every applicant for a license under this Chapter who owns real or personal property located within the City used primarily for the business for which license application is made and which property is on the tax rolls of the City, or who is an agent or representative of a person, who owns property located within the City used primarily for the business for which license application is made and which property is on the tax rolls of the City shall pay no license fees. (Ord. 134, 10-5-51)

B. Every applicant for a license under this Chapter who does not own real or personal property located within the City used primarily for the business for which license application is made and which property is not on the tax rolls of the City, or who is an agent or representative of a person, who does not own property located within the City used primarily for the business for which license application is made and which property is not on the tax roll of the City shall pay the following license fees and taxes:

\$1.50 per day	\$18.00 per month (see resolution for new rates)
\$6.00 per week	\$90.00 per year

These fees may be amended by resolution of the City Council from time to time. (Ord. 134, 10-3-51; 1986 Code)

C. The annual fee herein provided shall be assessed on a calendar year basis and on or after July 1 the amount of such fee for an annual license shall be one-half (1/2) the amount stipulated above for the remainder of the year.

2 None of the license fees provided for by this Chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon such commerce, he may apply to the City Council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume of business and such other information as the City Council may deem necessary in order to determine the extent, if any, of undue burden such commerce. The City Council shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this Chapter is unfair, unreasonable, or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable, and non-discriminatory, or, if the fee has

2-1-5 already been paid, shall order a refund of the 2-1-8

amount over and above the fee so fixed. In fixing the fee to be changed, the City Council shall have the power to use any method which will assure that the fee assessed shall be in uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection B of this section.

2-1-6: EXHIBITION OF LICENSE: Licensees are required to exhibit their certificates of license at the request of any citizen.

2-1-7: EXPIRATION OF LICENSE: All annual licenses issued under provisions of this Chapter shall expire on the thirty first day of December in the year when issued and those other than annual licenses shall expire on the dates specified on the face of the license.

2-1-8: REVOCATION OF LICENSE:

A. Licenses issued under the provisions of this Chapter may be revoked by the City Council of the City after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or incorrect statement contained in the application for license;

2. Fraud, misrepresentation, or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant, or itinerant vendor;

3. Any violation of this Chapter

4. Conviction of any crime or misdemeanor;

5. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the cause may be, in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety, or general welfare of the public.

2 Notice of the hearing for revocation of a license shall be given by the City Recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage

prepaid, to the licensee at his last known address at
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least five (5) days prior to the date of the hearing, or shall be delivered by a police office in the same manner as a summons at least three (3) days prior to the date set for the hearing.

2-1-9: APPEALS OF REVOCATION: Any person aggrieved by any action taken under this Chapter shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Council, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for appeal. The City Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner provided in Section 2-1-8B of this Chapter for notice of hearing on revocation.

2-1-10: REAPPLICATION FOR LICENSE: No license whose license has been revoked shall make further application until a period of at least six (6) months has elapsed since the last previous revocation.

2-1-11: SALES AND GOODS EXCLUDED: The terms of this Chapter shall not be held to include the actions of persons selling personal property at wholesale to dealers, not to newsboys, not to the acts or resident merchants or their employees in delivering goods in a regular course of business nor shall the terms of this Chapter be held to include or to apply to any producer or his employee, selling agricultural or farm products produced from the soil of the State by said producer or his employee, not shall the same apply to the selling of nursery products by the producer thereof from the soil of the State. Nothing contained in this Chapter shall be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law.

2-1-12: CHARITABLE, RELIGIOUS GROUPS EXCLUDED: Any organization, society, association, or corporation desiring to solicit or have solicited in its name money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization, upon the streets, in office or business

buildings, by house to house canvass, or in public places
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for charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of Sections 2-1-3 and 2-1-5 of this Chapter, provided there is filed a sworn application in writing on a form to be furnished by the City Recorder which shall give the following information:

- A. Name and purpose of the cause for which permit is sought
- B. Names and addresses of the officers and directors of organization;
- C. Period during which solicitation is to be carried on;
- D. Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitations and the amount thereof. Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic, or philanthropic organization, the City Recorder shall permit, without charge, such organization, association, or corporation shall furnish all of its members, agents, or representatives conducting solicitation credentials in writing stating the name of the organization, name of agent and purpose of solicitation.

2-1-13: USE OF STREETS BY PEDDLERS: No license shall have any exclusive right to any location in the public streets, nor be permitted a stationary location thereon, nor shall any licensee be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this Chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

2-1-14: POLICE TO ENFORCE PROVISIONS: It shall be the duty of the City peace officer to require any person seen peddling, soliciting, or canvassing, and who is not known by such officer to be duty licensed, to produce his license and to enforce provisions of this Chapter against any person found to be violating the same.

2-1-15: RECORDS TO BE MAINTAINED: The City Peace officer shall report to the City Recorder

all convictions for violations of this Chapter and the City
2-1-15 2-1-16

Recorder shall maintain a record for each license issued and record the reports of violations therein. (Ord. 134, 10-3-51).

2-1-16: **PENALTY:** Any person who shall violate any of the provisions of this Chapter shall forfeit not more than two hundred fifty dollars (\$250.00). Each day's violation of the provisions of this Chapter shall constitute a separate offense. (1986 Code)

CHAPTER 2

SOCIAL GAMES

SECTION:

- 2-2-1: Definitions
- 2-2-2: Authorization of Social Gambling
- 2-2-3: Prohibitions
- 2-2-4: License Regulations and Fees
- 2-2-5: Penalty

2-2-1: DEFINITIONS: The definitions for Oregon Revised Statutes, sections 167.11 to 167.162, as now constituted, are adopted by reference as definitions for use in this Chapter, unless the context requires otherwise. A copy of Oregon Revised Statutes, section 167.117 is incorporated herein by this reference.

2-2-2: AUTHORIZATION OF SOCIAL GAMBLING: Private businesses, private clubs and places accommodation within the City may conduct social games or allow social games on their premises, subject to the other sections of this Chapter.

2-2-3: PROHIBITIONS:

A. No private business, private club or place of public accommodation shall allow or permit a social game on its premises without first obtaining license from the city and paying the necessary license fees.

B. No social game shall be played or permitted in any private business, private club or any place of public accommodation except in a designated unlocked portion of said establishment.

C. No private businesses, private clubs or places of public accommodation shall refuse inspection by law enforcement officers at any time.

C. D. No social games shall be played or permitted in any private business, private club or place of public accommodation between the hours of two thirty o'clock (2:30) A.M. and eight o'clock (8:00) A.M.

E. No social games shall be played or permitted in any private business, private club or place of public accommodation unless such business, club or place exists for the purpose of providing other, substantial, legitimate commercial service which are not otherwise associated with gambling or social games.

F. No private business or private club may operate for the sole purpose of providing a place at which social games are conducted.

2-2-4: LICENSE REGULATIONS AND FEES:

A. The City Recorder shall prepare license forms which permit the conducting of social games upon the licensee's premises. The license shall run from January 1, to December 31 of each year. The fee shall be twenty dollars (\$20.00) for each license. The license fee may be amended by resolution of the City Council.

B. A license for social games may be revoked or not renewed by the City if the holder of said license is convicted of any Federal, State or City law, statute or ordinance relating to gambling, after hearing by the City Council.

2-2-5: PENALTY: Violation of Section 2-2-3 of this Chapter is punishable by a fine not to exceed two hundred fifty dollars (\$250.00). Each day's violation constitutes a separate offense. (Ord. 260-88, 4-16-86)

CHAPTER 3

Business Licenses**2-3-1: DEFINITIONS:**

Business Activity: The operation of any business to include but not limited to: Professional service, repair establishments, eating or drinking establishment, industrial operations, manufacturing operations, retail, wholesale, trade, occupation, shop, or home occupation business within the City of Echo.

Fort Henrietta Days: The annual local celebration organized and sponsored by the City of Echo and Echo Community Boosters,

Garage Sales: Any public sale of new or used goods within the city limits by an individual or group on individual's private property, when the individual or group of individuals are not licensed as second hand or junk dealers and when the property from which the sale is conducted is not within a zone permitting commercial business.

Non-Profit Organization: Any business or organization which holds a certificate of exemption from taxes from the Internal Revenue Service. The following non-profits are included, but such list is not exclusive: Echo Methodist Church, Fort Henrietta Foundation, Echo Historical Museum Board, Echo Veteran's of Foreign Wars and Ladies Auxiliary, Echo Masonic Lodge and Eastern Star, Echo Garden Club, Echo Parent's Teacher Association, Echo Quarterback Club; Echo Community Boosters.

Non-Resident Business: A business located outside the city, but conducting Business transactions such as construction services within the city.

Transient Merchant: Any person, firm or corporation, that is a non-resident proprietor that sells or offers to sell, other than at auction, any merchandise in any building, store, room or place of business occupied by the person, firm or corporation within the city with the intention of doing so for a short period of time

and without the intention of permanently doing so in the regular course of business, but not a door to door salesman.

2-3-2: PURPOSE AND SCOPE. The business license fees imposed by the terms of this ordinance shall be for the purpose of compiling a register of business activities and operations within the city limits of the City of Echo.

2-3-3 LICENSE REQUIRED. It shall be unlawful for any person to transact or cause to be transacted any business without having first obtained a license therefore from the city administrator or designee for the current fiscal year. This license shall apply to transient merchants who establish a place of business, but those selling door to door, shall be governed by City Code 2-1.

2-3-4: DURATION OF LICENSE. All business licenses are annual and shall expire on June 30. The required license fees are due on July 1 of each year for the fiscal year commencing with that date and are delinquent of August 1.

2-3-5: EXEMPT ORGANIZATIONS/ACTIVITIES:

A. Non-Resident businesses conducting business at the request of an Echo resident or business.

B. Non-Profit Organizations: Shall be required to file a one time registration, and update information on officers and mailing address as applicable. The license fee shall be waived for non-profit activities.

C. Garage sales which run for not less than five consecutive days, and when less than four yard sales are held at the residence in a calendar year

D. Door-to-door salesmen and solicitors regulated under City Code 2-1.

2-3-6: LICENSE FEES shall be ten dollars (\$10) per year. When an applicant for business has not engaged in business during the calendar year until after October 1, the required fee for the business shall be pro-rated at the rate of one dollar (\$1) per month. If the allocation had engaged in the same or similar business during the previous fiscal year, there will be no reduction in the fee. Future license fees shall be set by resolution. **[fee now \$15.00 per year]**

2-3-7: DELINQUENT LICENSE FEES. In the event that any person required to obtain a license fails to obtain the license or pay the required fee before it becomes delinquent, the city administrator or designee shall collect the fee with a ten per-cent (10%) late charge for each calendar month or fraction of a month the fee is delinquent.

2-3-8: FORT HENRIETTA DAYS/COMMUNITY FESTIVALS: Regulation of Fort Henrietta Days Activities shall be conducted by the Echo Community Boosters or designee the city shall declare from time to time. Vendors or concessionaires operating anywhere within the city limits of the City of Echo, except business activities licensed under this ordinance operating within their declared business establishments, shall be required to obtain necessary permits and pay fees to the Echo Community Boosters or designee. Existing businesses may use the sidewalk in front of their establishments during the event, as long as access adequate for safety and handicap access is maintained. Such businesses cannot allow another business to use such sidewalk without a permit.

2-3-9: LICENSE APPLICATION. The applicant shall provide the following information: Name of Owner/Operator, Business Name, Description of Business activity, address where business operations are conducted, phone and or fax number, any assumed business names, if a branch office, the name and address of head office. In the event of transfer or sale of the business, the new Owner/Operator shall file an application and pay the required fees.

2-3-10: REVOCATION OF LICENSE. Upon determination that a licensed business activity violates city codes, zoning codes, state or federal laws, or false or misleading information as provided, the license shall be revoked upon ten (10) day notice in writing to the licensee.

2-3-11: PENALTIES. Violation of, or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$250.00. (Ord. 316-98)