

ORDINANCE NO. 1207

AN ORDINANCE to define, license and regulate hawkers and peddlers within the City of Albany, Oregon, repealing all ordinances and parts of ordinances in conflict herewith, and providing a penalty for violation hereof.

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

Section 1. A peddler within the meaning of this ordinance is defined to be any person who for himself or as an agent of another, goes from place to place, or from house to house, within the City of Albany, Oregon, carrying for sale, and offering or exposing for sale, any goods, wares, merchandise, or any article or thing for which a price is asked.

The term peddling or peddle within the meaning of this ordinance is defined to include any sale or offering for sale, or exposing for sale any goods, wares or merchandise, or any article or thing for which a price is asked by a peddler, in pursuance of his occupation as a peddler.

A hawker within the meaning of this ordinance is defined to be any person who for himself, or as an agent of another, carries for sale, and offers or exposes for sale, any goods, wares, merchandise, or any article or thing for which a price is asked, to customers in or on the streets, or who offers or exposes for sale any such commodity from a doorway, recess, alleyway, vacant lot, or other place abutting upon a street, whether making outcry or not.

The term hawk or hawking within the meaning of this ordinance is defined to include any sale or offering for sale, or exposing for sale, any goods, wares or merchandise, or any article or thing for which a price is asked by a hawker in pursuance of his occupation as a hawker, whether making outcry or not.

The term retail within the meaning of this ordinance is defined as a sale of any article direct to the consumer or user for consumption or use and not for resale purposes.

A "temporary place of business" is defined to be a place of business established temporarily or for temporary purposes only; provided, however, that any place of business which shall have been conducted for a period of six months or more within the city of Albany shall be deemed to be permanent.

Section 2. It shall be unlawful for any person, for himself or as an agent of another, to peddle or hawk, or to engage in the business or occupation of a peddler or hawker within the city of Albany, Oregon, on First Street from Baker Street to Calapocia Street, and on Second Street from Baker Street to Calapocia Street, and on all intervening streets and alleys between First and Second Streets from Baker Street to Calapocia Street, and on Lyon Street from First Street to Fifth Street.

Section 3. It shall be unlawful for any person, for himself or as an agent of another, to peddle or hawk, or to engage in the business or occupation of peddler or hawker, within the City of Albany, without first having secured a license so to do; provided however, that this ordinance shall not be construed to apply to persons offering for sale or selling magazines, newspapers, Bibles or religious tracts, or to farmers, gardeners or dairymen, selling products grown and produced on their respective farms, within a radius of thirty miles, or to any one engaged in an interstate commerce business.

Section 4. For licensing purposes peddlers shall be classified as follows:

- Class 1. Those peddling from vehicles at retail not otherwise separately classified and licensed to use the streets.
- Class 2. Those having a permanent place of business in the City of Albany not otherwise separately classified and licensed to use the streets peddling from vehicles to any merchant, dealer or person for resale purposes. provided that this section shall not apply to occasional over-deliveries to customers on bona-fide orders.
- Class 3. Those having no permanent place of business in the City of Albany, Oregon, and those having a temporary place of business only; not otherwise separately classified and licensed to use the streets peddling and delivering from a vehicle to any merchant, dealer or person for resale purposes.
- Class 4. Those peddling on foot any articles of goods, wares and merchandise at retail, not herein otherwise excepted.

~~Section 4.~~
Section 5. For licensing purposes a hawker shall be classified as follows:

- Class 1. Those hawking on the streets or public ways of the City of Albany.
- Class 2. Those hawking from a doorway, recess, vacant lot or other place facing on the street.
- Class 3. Those hawking on a street from a vehicle at retail not otherwise separately classified and licensed to use the street.
- Class 4. Those having a permanent place of business in the City of Albany not otherwise separately classified and licensed to use the streets hawking from a vehicle.
- Class 5. Those having no permanent place of business in the City of Albany, or having a temporary place of business only, not otherwise separately classified and licensed to use the street hawking from the street or other public way, in the City of Albany articles for resale purposes.

Section 6. No license herein provided for shall be issued for more than one year from the date hereof, and no such license shall be issued for less than the sums named for such license in sections 7 and 8 of this ordinance.

Order of the Grand Council of the City of Albany, Oregon, dated 11/14/16. This ordinance was a hawker & peddler ordinance. It was repealed from the City of Albany. Albany, Oregon. City of Albany.

ORDINANCE No. 1209

Section 7. Peddlers as herein defined and classified are hereby required to pay a license fee in the amount and as per classification hereinafter named:

- Class 1. Those peddling from vehicles at retail not otherwise separately classified and licensed to use the streets, quarterly ----- \$75.00
- Class 2. Those having a permanent place of business in the City of Albany not otherwise separately classified and licensed to use the streets peddling from vehicles to any merchant, dealer or person for resale purposes. This shall not apply to occasional overdeliveries to customers on bona fide orders, quarterly ----- 37.50
- Class 3. Those having no permanent place of business in the City of Albany, Oregon, and those having a temporary place of business only, and not otherwise separately classified and licensed to use the streets peddling from vehicles to any merchant, dealer or person, for resale purposes, quarterly ----- 150.00
- Class 4. Those peddling on foot any articles of goods, wares and merchandise, at retail, not otherwise herein excepted, quarterly ----- 25.00

Section 8. Hawkers as herein defined and classified are hereby required to pay a license fee in the amount and as per the classification hereinafter named:

- Class 1. Those hawking on the streets or public ways of the City of Albany, Oregon, quarterly ----- \$ 75.00
- Class 2. Those hawking from a doorway, recess, vacant lot or other place abutting upon a street, quarterly ----- 37.50
- Class 3. Those hawking on a street from a vehicle at retail not otherwise separately classified and licensed to use the streets, daily ----- 10.00
- Class 4. Those having a permanent place of business in the City of Albany not otherwise separately classified and licensed to use the streets hawking from a vehicle, quarterly ----- 37.50
- Class 5. Those having no place of business in the City of Albany or having a temporary place of business only not otherwise separately classified and licensed to use the streets hawking from the street or other public place in the city for resale purposes, quarterly ----- 150.00

Section 9. Upon any person making application for a license as herein provided and upon payment of the license fee as herein provided, the recorder of the City of Albany, Oregon, is hereby authorized to issue a license to said applicant to hawk or peddle within the classification of such license.

Section 10. Any person, firm or corporation violating any of the provisions of this ordinance upon conviction thereof in the recorder's Court shall be punished by fine of not more than \$200.00, or by imprisonment in the city jail of the City of Albany for a period not exceeding 100 days, or by both such fine and imprisonment, and that in default of the payment of such fine, and for such default, the defendant shall be committed to the City Jail of the City of Albany for a period not exceeding one day for each \$2.00 of the fine so imposed, or until such fine be paid.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed by the Council Sept. 23, 1925.
Approved by the Mayor Sept. 23, 1925.

J. H. ROBERT,
Mayor.

Attest : ---
F. P. Nutting,
Recorder of the City of Albany, Oregon.

STATE OF OREGON,
County of Linn, ss.

I, F. P. Nutting, recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing and annexed copy of Ordinance No. 1209 has been by me carefully compared with the original ordinance Bill No. 1309, now on file in my office, and that it is a true and correct copy of all of said Ordinance Bill No. 1309, passed by the Council Sept. 23, 1925 and approved by the Mayor Sept. 23, 1925.

WITNESS my hand and official signature and the seal of the City of Albany this 24th day of Sept., 1925.

F. P. Nutting
Recorder of the City of Albany.