

**ORDINANCE NO. 1502**

AN ORDINANCE regulating and licensing the business of canvassing or peddling of goods, wares, and merchandise by transient or itinerant peddlers; defining what shall constitute a transient or itinerant peddler; and providing a penalty for the violation thereof.

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

Section 1. The term "transient or itinerant" shall be deemed to mean and include all persons, both principals and agents, who conduct, either in one locality or travelling from house to house or place to place, a transient or temporary business with the intention of continuing in such business in any one place within the city of Albany 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 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, or 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, 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 any goods, wares, or merchandise for future delivery by sample or catalogue at retail to individual purchasers who are not dealing in the articles sold or offered for sale 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 for a license 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 he travels on foot or otherwise in carrying on the business, the term for which the license is wanted, and the names of two or more municipalities where said applicant recently 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 of 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, 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. 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:

- (a) Class A. For peddlers on foot, for canvassing, peddling or offering to sell by sample:
  - (1) Where any article or product is sold or offered for sale at a price of \$1 or less: Per day \$2; Per week, \$6; Per month \$18; Per quarter, \$50; Per year, \$100.
  - (2) Where any article or product is sold or offered for sale for more than \$1 and less than \$25, double the amount set forth in subdivision 1.
  - (3) Where any article or product is sold or offered for sale for more than \$25, four times the amount set forth in subdivision 1.

## ORDINANCE NO. 1502

(b) Class B. For peddlers with horse-drawn or power-propelled vehicles, or other vehicles, canvassing, peddling, or offering to sell by sample any article or product, double the fees set forth in subdivisions 1, 2, and 3 of class A hereof.

Section 7. This ordinance shall not apply to any person selling or offering for sale or canvassing for newspapers and religious tracts, or his own agricultural or farm products, but does apply to canvassing for magazines, photographs, pictures, and picture frames.

Section 8. This ordinance shall not apply to persons, firms, corporations, or associations who deal exclusively in merchandise which falls under the rules and regulations governing interstate commerce.

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, or by imprisonment in the city jail for a period not to exceed 50 days, or by both such fine and imprisonment.

Passed by the Council January 10, 1940.

Approved by the Mayor January 10, 1940.

A.G. Senders

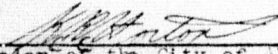
Mayor

ATTEST K.R. Horton  
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 # 1502, has been by me carefully compared with the original Ordinance Bill # 1621, now on file in this office, and further certify that same is a true and correct copy of the whole of said Ordinance Bill # 1621, as passed by the Council of said City of Albany on the 10th day of January, 1940, and approved by the Mayor on January 10, 1940.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 11th day of January, 1940.

  
Recorder of the City of Albany, Oregon.