

Am. B. Rep. by ORD 3462

AN ORDINANCE DEFINING, REGULATING AND LICENSING SOLICITORS AND PEDDLERS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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

Section 1: PERMIT AND LICENSE REQUIRED

It shall be unlawful for any person to engage in business as a peddler or solicitor, as defined in this Ordinance, within the corporate limits of the City of Albany, without first obtaining a license as herein provided.

Section 2: DEFINITIONS

a) "Person": Shall include the singular, plural, firm, corporation, association, partnership, society or other organizations.

b) "Peddler": Includes any person traveling by any means from place to place, house to house, or street to street offering or exposing goods, wares, merchandise or services for sale, or making sales and delivering articles to purchasers.

c) "Solicitor": Includes any person traveling by any means from place to place, house to house or street to street taking or attempting to take orders for sale of goods, wares, merchandise or services for future delivery or to be furnished in the future, regardless of the method of payment.

d) "Peddler and Solicitor": Shall not be interpreted to include those persons calling upon business firms, either in delivery of goods or soliciting orders for merchandise, goods or services which are regularly handled or used by said business firms in their regular course of business.

e) This Ordinance shall not be interpreted to apply to milk, groceries or other merchandise deliveries or services ordered by a resident or sold by an area merchant and delivered to the purchaser as a service.

f) "Nonprofit Organizations": Any corporation, association, society or other organizations which is organized or associated together on a nonprofit basis and the purpose of such organization or association in its operations is conducted without the intent to produce profit in money and an officer of such organization or association shall have filed an affidavit of nonprofit status with the City Recorder of the City of Albany.

Section 3: APPLICATIONS

A licensee, under this Ordinance, 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) The name and description of the applicant or if made on behalf of a nonprofit organization, the name and the address of an officer whose residence shall be in the City of Albany.

b) Address, both permanent and local address, if any.

c) A brief description of the nature of business and the goods or services to be sold. In the case of products of farms or orchards, a statement whether the produce to be sold is grown by the applicant.

d) If the applicant is employed, the name and address of the employer, together with credentials establishing an exact relationship, except in the case of a non-profit organization, a photograph of the applicant shall be furnished which photograph shall have been taken within sixty (60) days immediately prior to the date of the filing of the application and shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

Section 4: INVESTIGATION AND ISSUANCE:

a) Upon receipt of an application, the same shall be referred to the Chief of Police who shall cause investigation of the applicant's business and moral character to be made as shall be deemed necessary for the protection of the public interest.

b) The Chief of Police, within fifteen (15) days from the date of the application, endorse the application as "satisfactory" or "unsatisfactory" and, if the same shall be endorsed "unsatisfactory", the reason for such endorsement shall be set forth thereon. If the application is not returned to the City Recorder within fifteen (15) days, it shall be presumed that the endorsement shall be satisfactory.

c) Where the application is endorsed "satisfactory" or fifteen (15) days shall have elapsed without the return of the application by the Chief of Police, the City Recorder shall then issue a license card addressed to the applicant for the carrying on of the business

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applied for. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, if such licensee shall not be a nonprofit organization, and the kind of goods to be sold thereunder, the date of issuance and the expiration date of the license. The City Recorder shall keep a permanent record of all licenses for a period of two (2) years from the date of issuance.

d) If the application is returned from the Chief of Police endorsed "unsatisfactory", the City Recorder shall notify the applicant that his application has been disapproved and the reasons therefor.

Section 5: LICENSE FEE.

a) Except as herein specifically exempted for payment of fees, all persons applying for a license shall pay a fee in the sum of FIVE DOLLARS (\$5.00) as an application fee and an annual license fee in the sum of ONE DOLLAR (\$1.00). Licenses may be renewed on an annual basis upon payment of a license fee in the amount of ONE DOLLAR (\$1.00).

b) No application or license fee shall be required of one selling products of the farm or orchard actually produced by the seller; a newspaper carrier soliciting subscriptions; a nonprofit organizations making application on behalf of its members.

c) All licenses shall run from January 1, to December 31, inclusive. Licenses issued after the first day of July shall pay one-half ( $\frac{1}{2}$ ) of the annual license fee.

Section 6: TRANSFER.

No license shall be used at any time by any person other than the one to whom it is issued.

Section 7: EXHIBITION OF LICENSE.

Peddlers and solicitors are required to exhibit their license card at the request of any citizen.

Section 8: DUTIES OF POLICE TO ENFORCE.

It shall be the duty of any police officer of the City of Albany to require any person seen peddling or soliciting and who is not known by such officer to be duly licensed to produce his license card and to enforce the provisions of this Ordinance against any person found to be violating the same.

Section 9: REVOCATION OF LICENSE.

a) Licenses may be revoked by the City Recorder, after notice of hearing for any of the following causes.

- (1) Fraud and misrepresentation or false statement contained in an application for license.
- (2) Fraud and misrepresentation or false statement made in the course of carrying on the business as peddler or solicitor.
- (3) Any violation of this Ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of peddling or soliciting in an unlawful manner or in such a manner to constitute a breach of peace or constitute a menace to the health, safety or general welfare of the public.

b) Notice of hearing for revocation of a license shall be given in writing setting forth the grounds of the complaint and the time and place for hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

Section 10: APPEAL.

Any person aggrieved by the action by the Chief of Police or the City Recorder in denial or revocation of his license shall have the right to appeal to the Council of the City of Albany. Such appeal shall be taken by filing with the Council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for the hearing of such appeal and notice of such hearing shall be given to the appellant in the same manner as notice of revocation. The decision and order of the Council on such appeal shall be final and conclusive.

Section 11: SELLING BY PUBLIC OUTCRY.

Hawking or otherwise display goods on the public streets in the City of Albany by public outcry is hereby specifically prohibited.

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Section 12: SEVERALABILITY

The provisions of this Ordinance shall be declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance and they shall remain in effect.

Section 13: PENALTY FOR VIOLATION.

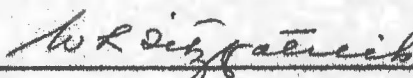
Any person violating any of the provisions of this Ordinance shall, upon conviction thereof in the Municipal Court, be punished by a fine not to exceed ONE HUNDRED DOLLARS (\$100.00) or by imprisonment not to exceed thirty (30) days, or both such fine and imprisonment.

Section 14: REPEALING CLAUSE.

Ordinance No. 1502 and all the Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

Passed by the Council: December 23, 1957

Approved by the Mayor: December 23, 1957



Mayor

Effective Date: January 22, 1958

ATTEST:

  
City Recorder