

ORDINANCE NO. 1011

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 5,
CHAPTERS 5.20 RELATING TO SOLICITORS.**

WHEREAS, the City of Stayton’s Municipal Code regulates solicitors;

WHEREAS, the City of Stayton currently requires solicitors to obtain a City permit to sell “door to door;” and

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 5.20 to update the rules solicitors must follow.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. SMC Section 5.20 is amended to read as (additions are underlined; deletions appear as ~~strikethroughs~~):

**CHAPTER 5.20
SOLICITORS**

SECTIONS

- 5.20.~~5010~~ License: Required, Application
- 5.20.~~5020~~ [repealed]
- 5.20.~~5030~~ License: Representatives or Employees
- 5.20.~~5040~~ Use of Streets Solicitation Regulations
- 5.20.~~5050~~ Noise Control
- 5.20.~~5060~~ License: Grounds for Revocation
- 5.20.~~5070~~ [repealed]

~~5.20.510~~ 5.20.010 LICENSE: APPLICATION

1. [repealed]
2. License applications for solicitors shall include a photograph of the applicant and all representatives and employees taken at the time of application and the license number of the motor vehicle(s) to be used, in addition to the other information required by this Chapter.

~~5.20.5020~~ [repealed]

~~5.20.5030~~ LICENSE: REPRESENTATIVES OR EMPLOYEES

1. A solicitor shall file applications for licenses for all representatives or employees as a part of the principal application.

2. The application shall contain the names of all persons to be permitted as representatives or employees of the solicitor. The license shall be issued to the employer designating the names and numbers of persons as named in the application.
3. The employer may make substitutions and may request the Administrator to amend the license from one representative or employee to another without payment of any additional fee, upon furnishing the required licensing information on that substituted person and subject to the same requirements as the original employee.

4. Permits are non-transferable.

5.20.5040 ~~USE OF STREETS~~ SOLICITATION REGULATIONS

1. Solicitors must carry a valid Solicitor's permit with them and show it to any resident or officer of the City should they request to see it. Solicitors without a valid permit are subject to a fine.
2. The permit may not be used as an endorsement of the City.
3. Soliciting is prohibited at any residence or business that has posted a "No Solicitors" or "No Trespassers" sign on the front of the residence or adjacent to the business entrance.
4. Soliciting shall be permitted only from 9:00 a.m. to 8:00 p.m. only.
5. Solicitation may only occur at the main entrance of the residence.
6. Solicitors must tell each person who they are soliciting their name and the name of the business or organization that they represent.
7. Solicitors must provide a written receipt for purchases exceeding \$5.00. The receipt must describe the goods and services sold and state the price, amount of cash payment, if any, the balance due and the terms of payment.
8. Solicitors are not allowed to solicit at the same home more than once within a thirty (30) day period.
9. Solicitors must leave a residence or business should the owner ask you to leave. Violators can be arrested and prosecuted for criminal trespass.
10. Solicitors may not make any assertion representation or statement or utilize any plan or scheme which misrepresents the purpose of the visit.
11. A Solicitor's Permit is not required for persons soliciting for charitable contributions. 'Charitable' means any activity carried on for unselfish, civic or humanitarian motives for the benefit of others and not for private gain. Charitable Contribution means any contribution made on behalf of a nonprofit organization holding a tax exemption certificate from the IRS pursuant to Section 501. Any charitable organization should submit a copy of their tax-exempt certificate along with a letter to the City Clerk identifying the recipient of the funds, fund raising methods and the dates during which the funds will be collected prior to soliciting in the City.
12. Solicitors shall not have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location. A solicitor shall not be permitted to operate in any

congested area where such operations might endanger, impede, or inconvenience the public.

13. The Administrator, at the time of license issuance, shall inform the applicant of any congested areas where the solicitor may not operate. Regardless of the locations identified by the Administrator, the judgment of a police officer or enforcement officer at the scene shall be deemed conclusive as to whether the area is congested or the public is endangered, impeded, or inconvenienced, whereupon a solicitor shall move to an alternate location upon request.

5.20.5050 NOISE CONTROL

A solicitor, or any person in their behalf, shall not shout or use any sound devices, including any loudspeaker, radio, or sound-amplifying system in any public or private premises of the City from which sound in violation of Section 8.04.140 of this Code.

5.20.5060 LICENSE: CRITERIA FOR APPROVAL

In review of an application for a license for a solicitor, the Administrator shall conduct a check of the applicant's previous record of licensure or criminal background. The Administrator shall issue a license unless the Administrator finds any of the following conditions have occurred:

1. Fraud, misrepresentation, or false statement contained in the application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on an enterprise as an itinerant merchant or solicitor in Stayton or in other communities;
3. Any violation of this Title or other Title of the Stayton Municipal Code, state, or federal law;
4. Conviction with the past five years of any crime or misdemeanor involving fraud, identity theft, or misappropriation of funds; or
5. Conviction as a predatory sex offender

5.20.5070 LICENSE: GROUND FOR REVOCATION DENIAL, SUSPENSION, REVOCATION, PENALTY.

1. Licenses issued to any solicitor may be revoked or suspended by the Administrator after notice, upon complaint or good cause. "Good Cause" means and includes any reason the license could be refused in the case of the original application, or for any act in connection with a violation of the conditions of this Chapter. An appeal of a revocation or suspension may be heard at the next regularly scheduled City Council meeting. and hearing. If such hearing is if requested, it will follow in accordance with provisions of this Title for any of the causes listed in Section 5.20.560 as reasons for revocation, suspension, or denial of a license. In addition, conducting the activity or enterprise in an unlawful manner or in such a manner as to constitute a breach of the

peace or a menace to the health, safety, or general welfare of the public shall be grounds for revocation of a license.

2. A violation of a provision of this Chapter is punishable by a fine approved by Council Resolution.

SECTION 2. Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 18TH DAY OF SEPTEMBER 2017.

CITY OF STAYTON

Signed: 9/20/2017 By: Henry A. Porter
Henry A. Porter, Mayor

ATTEST

Signed: 9-19-17 By: Keith D. Campbell
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

Wallace W. Lien
Wallace W. Lien, Acting City Attorney