

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. BUSINESS LICENSES**
- 111. TRANSIENT MERCHANTS AND SPECIAL EVENTS**
- 112. PEDDLERS AND SOLICITORS**

CHAPTER 110: BUSINESS LICENSES

Section

- 110.01 Purpose and scope
- 110.02 Definitions
- 110.03 Business license required
- 110.04 Issuance
- 110.05 Posting of license
- 110.06 Applications
- 110.07 Contents of licenses
- 110.08 Two or more business premises; 2 or more businesses on same premises
- 110.09 Business license term and fee
- 110.10 Evidence of doing business
- 110.11 Effective date

- 110.99 Penalty

BUSINESS. Any activity carried on with the intent that a profit be realized therefrom, and that the profit, if any, inure to the benefit of the owner or owners of the activity. For purposes of this chapter the terms "owner" and "owners" shall exclude transient merchants, event sponsors, solicitors or peddlers, which entities and individuals are defined and dealt with separately in Chapters 111 and 112.

EXPENSE. The cost of goods sold, the expense of services rendered, and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.

PROFIT. The excess of gross receipts over expense.

§ 110.01 PURPOSE AND SCOPE.

The business license fees imposed by the terms of this chapter are for revenue purposes only. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or permit to engage in any activity otherwise prohibited by law or ordinance, or a waiver of any regulatory licensing requirements imposed by any other ordinance of the City of Glendale.
(Ord. 03-2005, passed 10-11-2004)

§ 110.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TRANSACTING BUSINESS. Any act or series of acts performed in the course or pursuit of a business activity. However, the rental of a dwelling unit shall not constitute an act in the pursuit of a business activity unless it is part of the operation of an apartment house, mobile home park, motel or hotel, or similar high-density or commercial rental activity, with 3 or more dwelling units.

(Ord. 03-2005, passed 10-11-2004; Am. Ord. 04-2006, passed 5-8-2006)

§ 110.03 BUSINESS LICENSE REQUIRED.

No person, for himself or herself or as agent or employee of another, shall conduct or transact business based within the city unless:

(A) The business has been duly licensed within this chapter; and

Glendale - Business Regulations

(B) The license is valid at the time of the transaction.
(Ord. 03-2005, passed 10-11-2004) Penalty, see § 110.99

§ 110.04 ISSUANCE.

(A) Upon receipt of an application duly signed and executed as prescribed in § 110.06, together with the required fee, the City Recorder shall issue a business license to any applicant desiring to transact or conduct a lawful business based within the City of Glendale.

(B) Licenses so issued shall be valid until December 31 next following the date of issuance of the license.
(Ord. 03-2005, passed 10-11-2004)

§ 110.05 POSTING OF LICENSE.

At all times after the issuance of the license, the licensee shall cause it to be posted in a conspicuous place upon the business premises, available for inspection by the public and by employees and prospective employees of the business.
(Ord. 03-2005, passed 10-11-2004)

§ 110.06 APPLICATIONS.

(A) Application for business licenses shall be submitted on forms to be provided by the City Recorder. Every application shall be signed by the owner or his or her duly authorized agent and shall contain the following information:

- (1) Name of person or persons owning business;
- (2) Assumed business name, if any;

(3) Address of business premises and mailing address, if different;

(4) Nature of business;

(5) Number of employees as of date of application, if applicable; and

(6) Where the business includes activities classifiable in 2 or more categories, the primary or predominant activity.

(B) License fees shall be computed on the basis of information contained in the application, and no person shall knowingly sign or submit a business license application containing false information.
(Ord. 03-2005, passed 10-11-2004) Penalty, see § 110.99

§ 110.07 CONTENTS OF LICENSES.

Licenses shall be issued to the applicant in the name of the business to be licensed and shall designate the nature of the business, the address of the premises, and the date of issuance.
(Ord. 03-2005, passed 10-11-2004)

§ 110.08 TWO OR MORE BUSINESS PREMISES; 2 OR MORE BUSINESSES ON SAME PREMISES.

The conducting of a business or businesses at 2 or more locations shall, for the purposes hereof, be deemed to be separate businesses, and each thereof shall be subject to the license tax herein provided for. If 2 or more differently classified but related businesses are carried on in the same premises by the same owners, 1 license issued in the name of the business to which the premises are primarily appropriated and based upon the total number of employees or other units on the whole premises shall be sufficient for all the activities; provided any business activity lease under concession to or owned

wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered.

(Ord. 03-2005, passed 10-11-2004)

§ 110.09 BUSINESS LICENSE TERM AND FEE.

(A) The business license term shall be the 12-month period beginning on January 1 of each year and ending December 31 of the calendar year next following.

(B) If any business subject to the provisions of this chapter comes into existence, or for the first time commences its operations within the City of Glendale at any time after January 1 of any business license period, the license fee payable in connection with that business for the current business license period shall be prorated as of the beginning date of the quarterly period during which the activity begins. The quarterly periods, for the purposes hereof, shall begin on the first days of January, April, July, and October of each year.

(C) (1) The license fee for any business taxes hereunder shall be established by general resolution of the City Council.

(2) For the purpose of this division (C), the following definition shall apply unless the context clearly indicates or requires a different meaning.

EMPLOYEE. Shall mean and include:

1. A person having no ownership interest in the business other than the ownership of shares in a corporate business and who is regularly employed for 20 hours a week or more by and under the supervision and control of the owner or owners of the business or their representative in the course of the business activities; or

2. A person having an ownership interest in the business, who actively works in and for the business on a full-time basis.

(Ord. 03-2005, passed 10-11-2004)

§ 110.10 EVIDENCE OF DOING BUSINESS.

In the trial of any alleged violation of this chapter, evidence that the defendant made a public representation by way of advertisement by newspaper, radio, television, or similar media, or by signs conspicuously displayed for public view, that the business was being conducted, expressly or implied, offering to sell goods or services in the course of the business to the public or any segment thereof, shall constitute prima facie evidence that the defendant was transacting the business suggested by the public representation within the city on the date or dates during which the representations were made.

(Ord. 03-2005, passed 10-11-2004)

§ 110.11 EFFECTIVE DATE.

This chapter shall take effect 30 days from the date of adoption by the Glendale City Council.

(Ord. 03-2005, passed 10-11-2004)

§ 110.99 PENALTY.

(A) Any person violating any provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$100.

(B) Every full business day during which any business activity continues to be conducted in violation of this chapter shall be deemed a separate offense.

(C) No license shall be issued to any person hereunder if the person has, previous to making application therefore, conducted a business within the City of Glendale while this chapter was in effect

without a current, valid license issued hereunder, unless the person pays an additional amount equal to the license fee for the period during which the business was thus conducted.

(D) The remedy specified in divisions (A) and (C) above shall not be deemed exclusive and, at the option of the city, amounts due and payable hereunder by way of business license fees may be collected from the owner or owners of the business involved by action of law in any court of competent jurisdiction in the state.

(Ord. 03-2005, passed 10-11-2004)

CHAPTER 111: TRANSIENT MERCHANTS AND SPECIAL EVENTS

Section

- 111.01 Purpose and scope
- 111.02 Definitions
- 111.03 License required; fee
- 111.04 License application; standards and limitations
- 111.05 Application process; issuance; appeal
- 111.06 Display of license
- 111.07 Removal of structures

- 111.99 Penalty

§ 111.01 PURPOSE AND SCOPE.

(A) This chapter provides reasonable and necessary regulations for the licensing of transient merchants and special events in order to:

- (1) Protect the public health and safety;
- (2) Maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
- (3) Prevent interference with the peaceful enjoyment of the areas near places where the transient vending activity or special event is occurring; and
- (4) Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the city.

(B) The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

(C) These regulations shall apply to activities on city-owned and leased property.

(D) These regulations shall not apply to garage sales, yard sales, rummage sales or swap meets conducted on private property, provided that the sale is not conducted over a period in excess of 3 consecutive days or more often than 3 times per calendar year.

(E) These regulations shall not apply to sales conducted by municipal, government, religious, educational, registered non-profit or charitable or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs.

(F) These regulations shall not apply to temporary or seasonal uses within permanent structures, except for those activities within permanent structures subject to regulation as a special event.

(G) Regulation of special events shall not apply to private parties or to events taking place within a permanent structure having a current on-premises license from the Oregon Liquor Control Commission.

(H) Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this chapter.
(Ord. 05-2006, passed 5-8-2006)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Glendale - Business Regulations

DANCE. A dance which is open to the public, or for which admission is charged directly or indirectly.

PERSON. The singular and plural and any individual, firm, corporation, association, club, co-partnership, society or any other organization.

SPECIAL EVENT. Any activity which is likely to attract at any 1 time an assembly of persons, conducted for a specified period at 1 or more locations within the city under auspices of and subject to the supervision or direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and public dances.

(1) **SMALL EVENTS.** Those events lasting no more than 1 day, which have a nominal impact on city operations or the general public, including, but not limited to, holiday celebrations, block parties (not requiring street closure), garage and rummage sales;

(2) **MEDIUM EVENTS.** Those events that have a minor impact on city operations or the general public, such as parades or street closure requests.

(3) **LARGE EVENTS.** Those events that have a major impact on city operations or the general public, such as multiple street closures. Large events will require applicant attendance with appropriate city staff at even preparation and planning meetings. Applicant will also be required to provide an adequate number of volunteers to assist with the event.

TRANSIENT MERCHANT. Any person who offers food, beverages, produce, merchandise, a service, or anything of value for sale within the city on a temporary or seasonal basis. The following classes of transient merchants are hereby established:

(1) **CLASS 1.** A transient merchant requiring direct connection to city-operated utilities for the preparation or storage of that which is being offered for sale. "Utilities" includes water, storm

sewer or sanitary sewer. A license to a Class 1 transient merchant is issued for a single period per calendar year, not to exceed 180 consecutive days, with no renewals or extensions.

(2) **CLASS 2.** A transient merchant not requiring direct connection to city-operated utilities for the preparation or storage of that which is being offered for sale. A license to a Class 2 transient merchant is issued for a period of 30 consecutive days, with a maximum of 5 renewals per calendar year (maximum 180 days).

(Ord. 05-2006, passed 5-8-2006)

§ 111.03 LICENSE REQUIRED; FEE.

(A) No person shall engage in business as a transient merchant or conduct a special event within the city without first obtaining a license as provided in this chapter. No person shall be deemed totally exempt from the application of this chapter by reason of that person having conducted business within the city prior to the effective date of this chapter.

(B) The license fees shall be set by resolution of the City Council. The fees shall be payable in full at the time of submission of an application and shall be non-refundable. No license shall be assignable or transferable or shall authorize the applicant to conduct any other type of business of special event.

(Ord. 05-2006, passed 5-8-2006)

§ 111.04 LICENSE APPLICATION; STANDARDS AND LIMITATIONS.

An applicant for a license under this chapter must file an application in writing. The city recorder shall provide the application form and establish written procedures for submittal requirements necessary to process the application in accordance with this chapter. The application will be reviewed to determine compliance with the following standards and limitations:

(A) *Transient Merchant License.*

(1) The proposed use must meet the definition of "transient merchant" and be subject to classification as set out in this chapter. Any use not meeting the definition of "transient merchant" or subject to classification shall be deemed to be a use subject to review by the City Council.

(2) Transient merchants shall not be permitted on those properties where zoning specifically prevents such activities. On all other non-city owned property written permission of the property owner for the proposed use shall be required. No encroachment upon city rights-of-way shall be permitted.

(3) Each license shall be issued for a single fixed location, and no transient merchant shall change location except upon permitted license renewal.

(4) No transient merchant who is a food vendor shall be permitted to provide tables or seating for the use of patrons. A table for condiments will be permitted.

(B) *Special event license.*

(1) The proposed use must meet the definition of "special event." Any use not meeting the definition of "special event" shall be deemed to be a use subject to review by the City Council.

(2) Special events shall not be permitted on those properties where zoning specifically prohibits such activities. On all other non-city owned property written permission of the property owner is required. No encroachment upon city rights-of-way shall be permitted.

(3) A special event license is issued to the sponsor of the special event.

(4) The license shall be limited to the duration of the special event, not to exceed 15 days.

(5) The application must be submitted 14 days prior to a "small event", and 45 days prior to "medium" and "large events." If the last day for submission falls on a day when the city administrative offices are closed, the application will be considered if it is received by the city on the next business day. Faxed applications must be followed up by the original and the non-refundable processing fee within 5 working days of the faxed copy.

(C) *Compliance.* All licenses shall also comply with the following:

(1) All licenses must comply with all state and local laws, including but not limited to regulations and standards imposed or enforced by the county and the city.

(2) All debris and trash must be removed from an event site immediately after the event, in compliance with all city, county and state standards, and may not be poured into storm sewers or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the license. All expenses will be the responsibility of the event applicant, including, but not limited to:

(a) The cost of providing, erecting and moving barricades and signs.

(b) The cost of providing and moving garbage and waste receptacles.

(c) The cost of repairing or replacing damaged city property.

(d) The cost of event venue cleanup.

(e) The cost of city personnel whom the city has required to work overtime. Where the city reasonably anticipates that it will incur such unusual or extraordinary expenses related to the event, the city recorder may require, as a condition of issuance of a permit, that a sum be deposited to meet such costs.

Glendale - Business Regulations

(3) No use will be permitted:

- (a) Within the required landscape or setback area of the property;
- (b) That blocks vision at street intersections;
- (c) That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic;
- (d) That blocks entrances or exits from buildings;
- (e) That blocks a driveway or otherwise impedes the flow of vehicular traffic;
- (f) Without the use of readily removable barricades;
- (g) Within 10 feet of any disabled parking space or access ramp;
- (h) Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station;
- (i) Within any service drive of a parking lot;
- (j) In a location which conflicts with any fire or safety code regulation or which fails to maintain a minimum 20 foot wide fire lane;

(4) The city recorder may impose conditions of approval on the license that are necessary to comply with the requirements of the license and this chapter in determining whether to grant or deny a license, or in setting any conditions of approval. The city recorder shall consider:

- (a) The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;

(b) Criminal history of the applicant or event sponsor;

(c) Any documented history of problems with an applicant or event previously held;

(d) Suitability of the premises for the type of activity applied for; and

(e) Compliance with all other applicable local and state laws, ordinances and regulations, and the standards set forth in this section.

(f) When applicant intends sound amplification which exceeds the level permitted under § 90.17; and

(g) Where applicant intends to sell/serve alcoholic beverages and has failed to obtain a permit from the State of Oregon OLCC.

(5) The conditions applicable to a license may include the right of the city or county to a post-licensing inspection of the licensee's business premises to insure compliance with appropriate structural, mechanical, fire, health and/or safety regulations or concerns. Inspection may also be conducted from time to time during the course of the license period, as deemed necessary by the city or the county. If the licensee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the licensee's license shall be revoked, without refund.

(6) The city shall call upon the Rural Fire District to set general policy for fire safety and to determine the specific fire safety requirements, including fire safety inspections, for any individual transient merchant or special event. Whenever, in the opinion of the Fire District it is necessary for public safety at a special event (e.g. fireworks and bonfires, heat generating appliances), the Fire District may require the special event licensee to contract with the city and/or Fire District and/or Glendale Ambulance

Service for standby fire and emergency medical watch. The licensee shall be responsible for paying the fees incurred for such coverage and the licensee shall execute a contract for the services as a condition to receiving the special event license.

(7) The city shall have the authority and discretion to require structural inspections for any temporary structure.

(8) All licensees for use of city-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the city's tort liability limits established by the Oregon Legislature naming the city as an additional insured. The liability insurance shall apply to, and provide coverage for, any an all claims for bodily injury and property damage arising from or caused by the use for which the license is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the city to indemnify and hold the city harmless in the event of any damage or injury resulting from the use.

(9) All licenses shall include a condition of approval requiring the licensee to reimburse the city the costs incurred by the Police Department and the Fire District in responding to the special event or transient merchant's operation. Payment must be made to the city within 30 days of the date of the city's invoice. In any action to collect unpaid balances, the city is entitled to collect its costs and attorney fees. (Ord. 05-2006, passed 5-8-2006)

§ 111.05 APPLICATION PROCESS; ISSUANCE; APPEAL.

(A) *Application process.* Upon receipt of a completed application and fee, the City Recorder shall refer the application to the appropriate city department(s) for review.

(B) *Issuance.* The City Recorder shall issue a license if the City Recorder finds that the application has been approved by the appropriate department(s), or can meet approval through appropriate conditions. Use of city property by public bodies, including all boards, committees and commissions of the city and other governmental entities, shall be given priority. Subject to the prior or superior rights of such public bodies, the application of any person, association or organization will be considered on a "first-come" basis.

(C) *Appeal.* Any person whose application for a license has been denied, whose license has been issued subject to conditions, who disagrees with the transient merchant class assigned to the application, or whose license has been subsequently revoked, may appeal the decision to the City Council. The appeals shall be filed within 5 days of the date of the decision from which the appeal is being made and shall be filed with the City Recorder. No business shall be conducted while the appeal is pending. The fee for appeals shall be set by Council resolution. The Council shall schedule a hearing date that shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative. (Ord. 05-2006, passed 5-8-2006)

§ 111.06 DISPLAY OF LICENSE.

The licensee shall display the license, together with any conditions, at all times on the business premises, in a location visible to customers. (Ord. 05-2006, passed 5-8-2006)

§ 111.07 REMOVAL OF STRUCTURES.

Any structures, carts, vending units, tents, tables or other appurtenances used by licensee may not be located or relocated on the property until

commencement of the license term, and shall be removed from the property promptly upon the expiration of the license term.

(Ord. 05-2006, passed 5-8-2006)

§ 111.99 PENALTY.

(A) Any person who violates or causes a violation of any provision of this chapter shall be subject to the punishment as prescribed in § 10.99.

(B) Upon any violation the City Council, or a designee of the City Council, may order the licensed activity to cease, and upon receipt of written notice, the activity shall immediately cease.

(C) Any such persons and licensees shall indemnify and hold the city and its officers, agents and employees harmless from and against all claims for injury, loss or damage arising out of or in any way related to the operation of licensee's business.

(D) This agreement to indemnify and defend shall survive termination or revocation of licensee's license.

(Ord. 05-2006, passed 5-8-2006)

CHAPTER 112: PEDDLERS AND SOLICITORS

Section

- 112.01 Definitions
- 112.02 Permit and license required
- 112.03 Permit and license application; required information; fee
- 112.04 Permit and license investigation and issuance; surety in lieu of investigation
- 112.05 Investigation fee; waiver
- 112.06 License revocation
- 112.07 Appeals procedures
- 112.08 License expiration
- 112.09 License exhibition requirements
- 112.10 Exclusivity of location use and public inconvenience prohibited
- 112.11 Receipt and requirements for taking orders
- 112.12 Limitations of hours of solicitation
- 112.13 City records of licenses and violations
- 112.14 Exemptions from provisions

- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER or **SOLICITOR**. Any person whether a resident of the city or not, who goes from house to house or from place to place within the city, taking orders for goods, wares or merchandise or any article or thing of value for present or future delivery or for services to then be performed or to be performed in the future or for the making, manufacturing or repair of any article or thing whatsoever for present or future delivery; provided, however, that this shall not be deemed to include

regular commercial travelers employed by wholesale houses and selling goods, wares, merchandise and services to merchants of this city, nor to newspaper vendors.

PERSON. The singular and plural, and means and includes any person, firm or corporation, association, club, co-partnership or society or any other organization.

(Ord. 06-2006, passed 5-8-2006)

§ 112.02 PERMIT AND LICENSE REQUIRED.

It is unlawful for any person to engage in the business of peddler or solicitor as defined in § 112.01 within the corporate limits of the city without first obtaining a permit and license therein as provided in this chapter.

(Ord. 06-2006, passed 5-8-2006)

§ 112.03 PERMIT AND LICENSE APPLICATION; REQUIRED INFORMATION; FEE.

Applicants for permit and 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 description of the applicant;

(B) Address (legal and local);

(C) A brief description of the nature of the business and the goods to be sold or services to be

performed and in the case of products of farm or orchard whether produced or grown by the applicant;

(D) If employed, the name and address of the employer together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) If a vehicle is to be used, a description of the same, together with a license number or other means of identification;

(G) A photograph of the applicant taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2-inch, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(H) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;

(I) At the time of filing the application the applicant shall pay a nonrefundable investigation fee set by City Council resolution.
(Ord. 06-2006, passed 5-8-2006)

**§ 112.04 PERMIT AND LICENSE
INVESTIGATION AND ISSUANCE; SURETY
IN LIEU OF INVESTIGATION.**

(A) Upon receipt of such application, the name shall be referred to the Douglas County Sheriff, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good, and who shall make a report thereof to the city recorder within a period of 30 days from the date of the filing of the application.

(B) If, as a result of such an investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Sheriff shall endorse on the application his disapproval and his reasons for same, and return such application to the City Recorder who shall notify the applicant that his application is disapproved and that no permit and license shall be issued.

(C) If, as a result of such an investigation, the character and business responsibility of the applicant are found to be satisfactory, the Sheriff shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return the permit, together with the application to the City Recorder, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name and address of the licensee, the type of or class of license issued, the kind of goods to be sold or the services to be performed there under, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other information identifying the description of any vehicle used in such peddling. The City Recorder shall keep a permit record of all licenses issued.

(D) If any applicant for a permit and license is unwilling to receive a license only upon the conclusion of a 30-day period of investigation as provided in this section, and he desires the issuance of a license immediately upon application for such permit, he may deposit with the City Recorder a cash or good and sufficient surety bond in the sum of \$1,000 conditioned upon the making of final delivery of the goods ordered or services to be performed in accordance with the terms of such order or failing therein, that the advanced payment of such order be refunded. Thereupon, such license or licenses may immediately be issued. Any person aggrieved by the action of any peddler or solicitor shall have a right of action on the bond for the recovery of money or

damage of both. Such bond shall remain on deposit for a period of 6 months after the expiration of such license, unless sooner released by the City Council. (Ord. 06-2006, passed 5-8-2006)

§ 112.05 INVESTIGATION FEE; WAIVER.

No investigation fee required to be paid under § 112.04 shall be required of any person selling goods or merchandise or performing services on a purely nonprofit basis for charitable, educational or religious benefit, or if a person claims to have the right under state or federal law to peddle or solicit the city without payment of an investigation fee, provided such facts are established by the applicant to the satisfaction of the City Recorder. (Ord. 06-2006, passed 5-8-2006)

§ 112.06 LICENSE REVOCATION.

Any license may be revoked by the City Recorder for the violation of any of the ordinances of the city or of any state or federal law, and whenever such peddler or solicitor, in the judgment of the recorder, ceases to possess the character and qualifications required by this chapter for the issuance of such permit. (Ord. 06-2006, passed 5-8-2006)

§ 112.07 APPEALS PROCEDURES.

Any person aggrieved by the action of the Sheriff or City Recorder in the denial of an application for permit or license as provided in § 112.04, or in the decision with reference to revocation of a license as provided in § 112.06, shall have the right of appeal to the Council. Such appeal shall be taken by filing with the Council within 10 days after notice of the action complained of has been mailed to such person's last known address, a statement setting forth fully the ground for appeal. The Council shall set a time and

place for a hearing of such appeal and notice of such hearing shall be given to the applicant by the mailing thereof, postage prepaid to the appellant, at his last known address, at least 5 days prior to the date set for the hearing. The decision and order of the Council on such appeal shall be final and conclusive. (Ord. 06-2006, passed 5-8-2006)

§ 112.08 LICENSE EXPIRATION.

All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued. All other licenses shall expire on the date specified in the license. Any licensee holding an expired license shall, in order to obtain a new license, make application therefore and follow all of the requirements of this chapter as fully as if no license had ever been issued to him or her. (Ord. 06-2006, passed 5-8-2006)

§ 112.09 LICENSE EXHIBITION REQUIREMENTS.

Peddlers or solicitors are required to exhibit their licenses at the request of any Sheriff's deputy, police officer or of any citizen. (Ord. 06-2006, passed 5-8-2006)

§ 112.10 EXCLUSIVITY OF LOCATION USE AND PUBLIC INCONVENIENCE PROHIBITED.

(A) No peddler or solicitor shall have the exclusive right to any location on the public streets nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operation might impede or inconvenience the public.

(B) For the purpose of this chapter, the judgment of a Sheriffs deputy or police officer exercised in good

faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. 06-2006, passed 5-8-2006)

§ 112.11 RECEIPT AND REQUIREMENTS FOR TAKING ORDERS.

All orders taken by licensed solicitors shall be in writing, and in duplicate, stating the name as it appears on the license, and address, of both the solicitor and his employer, the terms thereof and the amount paid in advance, and 1 copy shall be given the purchaser.

(Ord. 06-2006, passed 5-8-2006)

§ 112.12 LIMITATION OF HOURS OF SOLICITATION.

No person, whether or not the person is required to be licensed under this chapter, shall go from residence to residence or from place to place within the city for the purpose of peddling or soliciting, poll taking, conducting a survey, or for any other purpose without the invitation of the persons residing or working within such locations, after 8:00 p.m. or before 8:00 a.m.

(Ord. 06-2006, passed 5-8-2006)

§ 112.13 CITY RECORDS OF LICENSES AND VIOLATIONS.

Douglas County Sheriffs shall report to the City Recorder all convictions or violations of this chapter and the City Recorder shall maintain a record for each license issued and record the reported violation thereof.

(Ord. 06-2006, passed 5-8-2006)

§ 112.14 EXEMPTIONS FROM PROVISIONS.

This chapter shall not apply to the peddlers or solicitors of, or taking orders for the sale of any fruits, vegetables, berries, butter, eggs, milk, poultry, meats or farm products raised or produced by such peddler.

(Ord. 06-2006, passed 5-8-2006)

§ 112.99 PENALTY.

Any person who violates or causes to be violated any provision of this chapter shall be deemed guilty of an offense, and shall be subject to the punishment prescribed in § 10.99.

(Ord. 06-2006, passed 5-8-2006)