

ORDINANCE NO. 4580

TITLE: AN ORDINANCE AMENDING CHAPTER 5.08 OF THE ALBANY MUNICIPAL CODE AS THE SAME PERTAINS TO THE LICENSING OF PEDDLERS AND SOLICITORS.

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

Section 1: That Section 5.08.020 is amended to read as follows:

5.08.020 Peddler -- Solicitor defined. "Peddler" or "Solicitor" shall mean any door to door salesperson who sells or offers for sale any merchandise or services by traveling about the City in residential districts.

5.08.020 Definitions. (a) "Person" includes 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, 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 the business firms, in their regular course of business.

(e) This chapter 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.

Section 2: That section 5.08.040 is amended to read as follows:

5.08.040 Investigaton 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 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 days, it shall be presumed that the endorsement is satisfactory.

(c) Where the application is endorsed "satisfactory" or if days 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 applied for. The license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, if the license is not a nonprofit organization, and the kind and 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 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/her application has been disapproved and the reasons therefor.

Section 3: That Section 5.08.050 is amended to read as follows:

5.08.050 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 twenty-five dollars as an application and license fee. Licenses may be renewed on an annual basis upon payment of a license fee in the amount of ten dollars.

(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, or a nonprofit organization making application on behalf of its members.

(b) All licenses run from January 1st to December 31st, inclusive.

Section 4: That Section 5.08.055 is created and shall read as follows:

5.08.055 License application fee exemptions. (1) The provisions of this chapter requiring a license application and application fee shall not apply to:

(a) One selling products of the farm or orchard actually produced by the seller;

(b) A newspaper carrier soliciting subscriptions;

(c) A person calling upon business firms soliciting orders for goods or services which are regularly used by the business firm in their regular course of business; or

(d) 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.

(2) The provisions of this chapter requiring a license application fee shall not apply to:

(a) A nonprofit organization making application on behalf of its members. At the discretion of the Chief of Police, investigation of individual solicitors for nonprofit organizations may be required.

Section 5: That Section 5.08.090 is amended to read as follows:

5.08.090 Revocation of license. 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 chapter;

(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 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. The notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five days prior to the date set for hearing.

Section 6: That Section 5.08.130 is created and shall read as follows:

5.08.130 Hours of Solicitation. No persons shall engage in soliciting at any place in the City during the period from 9:00 p.m. until 9:00 a.m., unless otherwise specified on the solicitors' license.

Passed by the Council: April 13, 1983

Approved by the Mayor: April 14, 1983

Effective Date: May 13, 1983

Mayor

ATTEST:

City Recorder