

## ORDINANCE NO. 317

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF CERTAIN PROFESSIONS, TRADES, AND OCCUPATIONS, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Canby does ordain as follows:

## ARTICLE I

## AUCTIONEERS

Section 1. An "auctioneer" is one authorized by law to sell the goods of others at public sale. Every person who shall at public outcry offer for for sale, as principal or agent, any article or merchandise or property to the highest bidder shall be deemed an auctioneer.

For license purposes auctioneers shall be classified and grouped as follows:

Class 1. SPECIAL AUCTIONEER. A "special auctioneer" is hereby defined as any auctioneer who sells or offers for sale any stock of merchandise which has not been for six months immediately preceding said sale or offers for sale a part of the regular stock of a Canby merchant or dealer doing business in Canby.

A "stock of merchandise" is hereby defined as goods or chattels purchased by the owner for the purpose or resale.

Class 2. GENERAL AUCTIONEER. A "general auctioneer" is any auctioneer not a special auctioneer.

Section 2. It shall be unlawful for any person to act as an auctioneer within the corporate limits of Canby without first having obtained a license as herein provided as follows, to wit:

- (a) For every auctioneer or person who sells jewelry, watches, and plated ware at public auction, on commission or otherwise, either for himself or any other person, \$15 per day.
- (b) For every auctioneer or any person who sells real estate at auction, \$5 per quarter.
- (c) For every auctioneer or person who sells horses or cattle at auction, \$1 per day.
- (d) For every auctioneer or person who sells at auction goods, wares, and merchandise, \$10 per day or night and/or \$15 for day and night.

The provisions of this section, however, shall not apply to judicial or executive officers making auction sales by virtue of any decree of any court, or to public sales by executors and administrators of property of estates of people dying in Canby, or to residents of Canby selling out their household goods and furniture.

## ARTICLE II

## PEDDLERS AND HAWKERS

Section 1. DEFINITIONS. A "peddler," within the meaning of this ordinance, is defined to be any person who for himself, or as agent for another, goes from place to place or from house to house within the city of Canby carrying for sale, and offering or exposing for sale, any goods, wares, merchandise, or produce, or any article or thing for which a price is asked.

The term "peddler," or "peddling," as used in this ordinance means and includes any sale, or offering for sale, or exposing for sale any goods, wares, merchandise, produce, or any article or thing for which a price is asked, by a peddler in pursuance of his occupation as a peddler.

A "hawker," within the meaning of this ordinance, is defined to be any person who, for himself, or as agent of another, carries for sale and offers or exposes for sale any goods, wares, merchandise, produce, or any article or thing for which a price is asked in or on the streets to customers in or on the streets, or who offers or exposes for sale any such commodity from a doorway, recess, alleyway, vacant lot, or other place facing on a street, whether making outcry or not.

The term "hawk," or "hawking," as used in this ordinance, means and includes any sale, or offering for sale, or exposing for sale any goods, wares, merchandise, produce, or any article or thing for which a price is asked, by a hawker in pursuance of his occupation as a hawker.

Entire Ordinance # 317 repealed by Ordinance #439  
Sept. 1, 1961

whether making outcry or not.

The term "retail," as used in this ordinance, shall be taken to mean any sale direct to the consumer or user for consumption or use and not for resale purposes.

Section 2. It shall be unlawful for any person for himself or as agent of another to peddle or to hawk, or to engage in the business or occupation of peddling or hawking within the city of Canby without first securing a license so to do.

Section 3. For license purposes peddlers shall be classified as follows:

Class 1. Peddlers traveling with one or more vehicles.

Class 2. Peddlers traveling on foot.

Section 4. License fees for first and second class peddlers are as follows, to wit:

(a) First-class peddlers:

Per quarter	\$75
Per week	12
Per day	5

(b) Second-class peddlers:

Per quarter	\$60
Per week	10
Per day	3

(It is) provided, however, that this ordinance shall not apply to persons peddling newspapers, or Bibles, and farmers or persons peddling the products of their own farms or gardens, except as otherwise excepted in this ordinance.

#### HAWKERS

Section 1. For license purposes hawkers shall be classified as follows:

Class 1. Those hawking patent medicines (and) using music or other devices to attract attention.

Class 2. Those hawking patent medicines in any other manner than is provided for in Class 1.

Class 3. Those hawking articles for sale, other than patent medicine, at retail, goods, wares, merchandise, or other commodities, while traveling from place to place within the city of Canby, or from a stand or vehicle upon any street, alley, highway, (or) public or private grounds within the limits of Canby; and whenever more than one person shall sell or offer to sell from the same stand or wagon, each of said persons shall be required to take out the license herein required as follows, to wit:

(a) For every person or firm, whether the said person or firm has a butcher shop or stall or not, who engages in the business of peddling or hawking meat, for each man \$10 per quarter; but this clause shall not be construed to apply to such persons or firms who have butcher have shops or stalls using wagons for the purpose of taking orders and delivering meat only from such stall or shop, or to persons selling meat from stock raised by themselves in this city or county.

(b) For every patent medicine peddler using music or other device to attract crowds, \$75 per month or \$30 per week or \$10 per day.

(c) For all other patent medicine peddlers, \$5 per day.

(d) For every peddler of fresh fish, \$3 per quarter.

(It is) provided, however, that this article shall not apply to persons peddling only newspapers, or Bibles, and farmers or persons peddling only the products of their own farms or gardens.

#### ARTICLE III

#### SOLICITORS

Section 1. DEFINITIONS. A "solicitor," within the meaning of this article, is defined to be any person who goes from house to house or from place to place in the city of Canby, selling or taking orders for, or offering to sell or take orders, for goods, wares, or merchandise

or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing, or repairing of any article or thing whatsoever for future delivery, excepting interstate commerce.

Section 2. LICENSE. It shall be unlawful for any person to act as a solicitor within the meaning and application of this article without first securing a license from the city recorder of Canby as required as follows, to wit:

- (a) For every person who shall sell or contract to sell any goods, wares, chattels, or merchandise by sample or order, for himself or any other person, or upon commission, \$2 per day or \$10 per week; provided, however, that this shall not apply to persons selling goods or taking orders for same from stores in Canby, or to persons in the employ of storekeepers in Canby taking orders for goods in said stores.

Section 3. ORDERS. All orders taken by licensed solicitors shall be in writing, in duplicate, stating the terms thereof and the amount paid, if any, in advance, and one copy shall be given to the purchaser.

#### ARTICLE IV

##### PHOTOGRAPH SALESMEN

Section 1. LICENSE; FRAUDULENT STATEMENTS. It shall be unlawful for any person to sell or solicit for sale on the streets or from house to house any photograph or photographs by means of or aided by coupons or their equivalent, or otherwise, without first procuring a license as herein provided as follows, to wit:

- (a) For every person acting as artist, agent, or canvasser who solicits for paintings, retouching or furnishing pictures of any description, or who solicits for orders for or sells books, albums, or maps: \$5 per week or \$2 per day, except persons selling Bibles, newspapers, and magazines.
- (b) It shall be unlawful for any person to make any fraudulent or misleading statements with reference to such sale or solicitation, or to use any coupon other than the one filed with the city recorder with the application for the license, or to alter or change such coupon in any manner.

Section 2. APPLICATION. An application for such license shall set out the complete plan of selling, a copy of the coupon to be used, and such other information as the city recorder may require.

#### ARTICLE V

##### HOTELS, ROOMING HOUSES, AND LODGINGHOUSES

Section 1. LICENSE REQUIRED. No person shall conduct, keep, manage, or operate, or cause to be conducted, kept, managed, or operated, either as owner, lessor, lessee, agent, or attorney, any hotel, rooming house or lodginghouse within the corporate limits of the city of Canby, without having first obtained a license from the city of Canby so to do, as required, as follows, to wit:

- (a) For every hotel, rooming house, and lodginghouse, \$5 per year or fraction thereof.

Section 2. DEFINITIONS. For the purpose of this article the word "person" shall mean and include natural persons, copartnerships, corporations, and associations, and shall include persons of both sexes. The word "house" shall mean and include hotels, rooming(houses), and lodginghouses, where rooms are equipped for sleeping purposes and rented for periods of less than thirty days.

Section 3. INVESTIGATION OF LICENSES. The chief of police shall examine into and investigate the character and qualifications of applicants for licenses within the meaning of this article, and report to the council his recommendation as to whether or not a license shall be issued to such applicant.

Section 4. RIGHT TO REVOKE LICENSE. Nothing in this article contained shall be construed to deprive the council of power to revoke any license issued as herein provided.

Section 5. QUALIFICATIONS OF LICENSEES. No license shall be issued to any person to conduct a hotel, rooming house, or lodginghouse within the city of Canby unless such person is of ascertained good moral character, and can read, speak, write, and understand the English language; and when application for such license is made, the applicant shall present himself in person to the city recorder and at such time shall present to the city recorder satisfactory proof of good moral character and ability to read, speak, write, and understand the English language. When application for license is made by or on behalf of a copartnership, corporation, or association, such application shall be made by the manager, officer, agent, or other person who will have the charge and management of such hotel, rooming house, or lodginghouse.

Section 6. LICENSE NON-ASSIGNABLE. No license issued as in this article provided shall

be transferred or assigned.

Section 7. HOUSES OF ILL FAME, ETC. No person to whom a license shall be issued, as provided in this article, shall suffer or permit the hotel, rooming house, or lodginghouse to which such license relates to be used as a house of ill fame, brothel, bawdyhouse, or disorderly house, for the purpose or prostitution, fornication, or lewdness; or suffer any lascivious cohabitation, adultery, fornication, or other immoral practice to be carried on therein.

Section 8. HOTEL REGISTER. Every person to whom a license shall have been issued to conduct a hotel, rooming or lodginghouse shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests or persons renting or occupying rooms in such house, which register shall be signed by the person renting a room or rooms, or by someone under his direction. Such registration must be made, and after the name or names (are) so inscribed or registered, the manager of the house or his agent shall write the number of the room or rooms which such guest or person is to occupy, together with the time when such room is rented. All of which shall be done before such person is permitted to occupy such room or rooms. Such register shall be at all times open to inspection by any guest of the house wherein such register is kept and to any executive or peace officer of the city of Canby or of the state of Oregon.

Section 9. REGISTRATION IN TRUE NAME. It shall be unlawful for any person to write or cause to be written in any hotel register any other or different name than the true name of such person or the name by which such person is generally known.

Section 10. USE OF ROOMS BY OPPOSITE SEXES. No room shall be assigned to two persons of the opposite sex, except in the case of children accompanied by parent or guardian, unless such persons shall be registered as husband and wife.

Section 11. NUMBERING OF SLEEPING ROOMS. Any person to whom a license shall have been issued, as provided in this article, shall cause each sleeping room and apartment in such house to which such license relates to be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such room, and no two such doors shall bear the same number.

Section 12. LIABILITY FOR VIOLATION. Where a license shall have been issued to any copartnership, corporation, or association to conduct a hotel, rooming house or lodginghouse, any person having charge, management, or control of such hotel, rooming house or lodginghouse shall be liable to prosecution for any violation of this article.

Section 13. EVIDENCE OF VIOLATION. For the purpose of determining the liability of any person or persons to prosecution for violation of any of the provisions of this article, it shall be sufficient to show that such person was, at the time of the act of violation complained of, the person in actual charge, management, or control of the house in which such act is alleged to have been committed.

Section 14. When a license is issued, it shall contain the nationality of the licensee and he shall keep the same conspicuously displayed. If an alien, he shall also have displayed therewith a card or sign showing the nationality of his employees.

Section 15. REVOCATION OF LICENSE. The council may cancel any license issued hereunder for violation of any provisions hereof. Before such cancellation, however, the licensee shall be notified and shall have a hearing before the council if demanded.

Section 16. It shall be unlawful for any persons, person, firm, or corporation who conducts a hotel, rooming house, lodginghouse, or restaurant under this ordinance to permit gambling or the drinking of intoxicating liquor in said hotel, rooming house, lodginghouse, or restaurant.

Section 17. It shall be unlawful for the owner or proprietor of any restaurant adjoining or connected to a lodginghouse or hotel in Canby, Oregon, to play, or permit music to be played after 11 p.m.

## ARTICLE VI

### BILLIARD ROOMS AND POOLHALLS

Section 1. It shall be unlawful for any person to operate a billiard room or poolhall within the corporate limits of Canby without first having obtained a license as herein provided as follows, to wit:

- (a) For every person conducting a billiard room, or pool table, excepting only such as are used in private houses or private rooms, for each and every table \$2 per quarter; and further no other games shall be played and conducted in any poolroom, except the games of billiards and bagatelle or pool; and futhermore, no other games of any kind shall be carried on or played in said poolroom; provided also, that no greater number of licenses shall be issued for the above than one for each 1,000 population or larger fraction thereof.

## ARTICLE VII

## JUNK AND SECONDHAND DEALERS

Section 1. It shall be unlawful for any person to engage in business of buying or selling of old lead, old metal, secondhand sacks, rubber, or any other article usually found in a junk shop or secondhand store, secondhand furniture of any kind, or any other article of secondhand merchandise, or property whatever within the limits of Canby without first procuring a license therefor, as herein provided as follows, to wit:

- |                                |                 |
|--------------------------------|-----------------|
| (a) For every secondhand store | \$3 per quarter |
| (b) For every junk dealer      | \$3 per quarter |

Section 2. The owner or driver of every cart, dray, wagon, or other vehicle which he shall use for buying or selling any article of secondhand merchandise, or anything as above mentioned, shall place the words "Junk Dealer," together with the number of his vehicle as named in his license, upon each side of his vehicle in a neat and legible manner in letters and figures not less than three inches long and proportionable width, and said words and figures shall not be changed or removed while the vehicle is used for the purpose aforesaid. The owner or driver of every vehicle as above stated, when not connected with a store or junk shop in Canby, shall pay the same license as a junk dealer.

Section 3. All persons who carry on the business of keeping a junk shop or secondhand store, as defined in this ordinance, or who shall use a vehicle in buying and selling junk or secondhand merchandise of any kind, shall keep a register in which shall be entered in legible writing a description of all property purchased of any description whatever, whether new or old, together with the names and residences of the persons or person from whom such property was purchased or received and the date thereof. And such register shall be kept in the English language and shall at all times be subject to the examination of the chief of police or any peace officer in Canby.

When any article or articles as defined in this ordinance are purchased from any person or persons under the age of 21 years, the purchaser shall require a written statement from the parents or guardian of such person or persons that the seller is the owner thereof, and if the article has been purchased by him, then such statement shall give the name and residence of the party from whom he has purchased it and the date thereof.

Section 4. Any person carrying on such business as defined in this ordinance who shall fail or neglect to keep such register, or who shall refuse to exhibit the same to the chief of police or other peace officer of Canby, when requested so to do, or who shall fail to keep the record of such register as above defined, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as hereinafter provided, and shall forfeit the license of such junk shop, vehicle, or secondhand store. The chief of police or any peace officer of Canby shall have authority at all reasonable hours, to examine such register and all articles kept in such shop or store.

## ARTICLE VIII

## PAWNBROKERS

Section 1. DEFINITION. Every person whose business or occupation is to take or receive by way of pledge, pawn, or exchange any goods, wares, or merchandise, or any kind of personal property whatever for the payment or security of any money let thereon shall be deemed a "pawnbroker" under this ordinance.

Section 2. It shall be unlawful for any person, firm, or corporation to operate or conduct a pawn shop within the corporate limits of Canby without first having obtained a license from the city recorder of Canby as required as follows, to wit:

- |                      |                 |
|----------------------|-----------------|
| For every pawnbroker | \$3 per quarter |
|----------------------|-----------------|

## ARTICLE IX

## MOVING PICTURE SHOW

Section 1. It shall be unlawful for any person, firm, or corporation to operate or conduct a moving picture show in Canby, Oregon, without first having obtained a license so to do from the city recorder of said city.

Section 2. Said license shall be issued by the said city recorder to any person applying therefor upon the payment of the fee herein stated. Said license shall be issued for the period of one quarter, or three months from the date of the application, and the applicant shall pay therefor a sum equal to the sum of 2 cents per quarter for every seat in said moving picture show house.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be fined as hereinafter provided.

## ARTICLE X

CIRCUSES, CARNIVALS, OPERATIC OR MECHANICAL SHOWS UNDER CANVAS  
(OR IN ANY) OPEN SPACE OR AREA, INCULDING SIDE SHOWS, JUGGLERS, AND SKATING RINKS

Section 1. It shall be unlawful for any person to give or conduct any circus, carnival, operatic or mechanical show under canvas (or in any) open space or area within the city limits of the city of Canby, where the patronage of the public is solicited and an admission fee is charged or collected, without first having obtained a license so to do as is herein provided, as follows, to wit:

- (a) All theatricals, shows, entertainments, lecturers, readings, and concerts given to public assemblies where money is charged and received for same, shall pay a license fee of \$1 for each day or night, save and except that whenever the receipts of any concert, exhibit, lecture, or entertainment, or otherwise is to be or will be appropriated to any church, school, or religious or benevolent purpose within Clackamas County, there will be no license (fee) charged to the person or persons about to conduct the same.
- (b) For every astrologer, seer, fortuneteller, clairvoyant, spiritualist, or spirit medium who demands or receives a fee for his or her services or gives an exhibition at any place where an admission is charged: \$3 per day, \$10 per week, or \$25 per quarter.
- (c) For every traveling exhibition, exhibiting such as telescopes, microscopes, lung testers, muscle tester, ball or knife or ring throwing, galvanic batteries, and all similar in character which are not otherwise fixed: \$8 per week or \$2 per day.
- (d) Jugglers shall pay a license of \$5 per each performance, and every person who performs by sleight-of-hand shall be deemed a juggler under this ordinance.
- (e) For each skating rink: \$5 per quarter.

## ARTICLE XI

## DISTRIBUTING ADVERTISING MATTER

Section 1. It shall be unlawful for any person, firm, or corporation to distribute circulars, handbills, dodgers, cards, samples, sample copies, or any other matter for advertising purposes without first obtaining a license therefor from the city of Canby as herein provided, as follows to wit:

- (a) For distributing advertising matter a license of \$1 per day shall be paid, only to include one distributor. Each additional distributor shall pay a license of \$1 per day each.

Section 2. It shall be unlawful for any person, whether licensed or not, to post, stick, stamp, paint, nail, hang, tack, or otherwise affix or cause to be done by another any notice, placard, bill, poster, or advertisement to or upon any sidewalk or crosswalk, curb, curbstone, lamp post, hydrant, shade tree or trees, boxes, fence, gate, gate post, or inclosure awning or awning post, hitching post, telegraph pole, electric light or power pole, or telephone pole, or to place the same in any automobile standing upon any of the streets or alleys or public places of Canby, or for any person, whether licensed or not, to post, stick, stamp, or otherwise affix, or cause to be done by another any notice, placard, bill, poster, or advertisement upon any building, wall, or part thereof without first obtaining permission of the owner, agent, or occupant of such premises, or for any person to distribute on the street, alleys, or public parks of Canby by handing to or giving to pedestrians passing along or standing upon such street or streets any poster, advertisement, notice, bill, or placard.

Section 3. It shall be unlawful for any person to throw into or drop upon, or cause to be thrown in or upon any street or sidewalk any bill, poster, dodger, or other advertisement.

Section 4. Each person engaged in the placing or distributing of advertising matter shall wear on his person in a conspicuous place a numbered metallic badge designating the person as a licensed distributor. Such badge shall be furnished by the city recorder for \$1 each when the license is issued, and when the license for which such badge is issued expires, the same may be returned to the city recorder who will pay therefor the sum of \$1.

## ARTICLE XII

## BILLPOSTING

Section 1. It shall be unlawful for any person, firm, or corporation to post, paint, tack, or hang any advertising matter used to advertise patent medicine, patent articles, tobacco, shows, tent shows, circuses, theatricals, theatrical performances, or for any other purpose for which advertising matter (is) issued to attract the attention of the public without first obtaining a license therefor from the city of Canby, as herein provided, as follows, to wit:

- (a) For billposting a license of \$50 shall be paid for each year or fraction thereof.



## ARTICLE XIII

## SHOOTING GALLERIES

Section 1. DEFINITION. Every place or building where guns or pistols are kept for shooting at targets, whether for hire or not, shall be considered a "shooting gallery."

Section 2. NOISE. No person shall discharge any firearm in any shooting gallery within the corporate limits of Canby, Oregon, where the noise resulting from such discharge can be heard over a distance of three hundred feet from such shooting gallery.

All shooting galleries must be securely enclosed in such a manner that persons on the outside thereof shall not be endangered or annoyed by the discharge of firearms therein.

Section 3. It shall be unlawful for any person or his agent to conduct a shooting gallery within the corporate limits of Canby without first securing a license so to do, as herein provided, as follows, to wit:

For each shooting gallery, \$10 per quarter.

Every place or building where guns or pistols are kept for shooting at targets, whether for hire or not, shall be considered shooting galleries.

## ARTICLE XIV

## BOWLING ALLEYS

Section 1. DEFINITION. Every place or building where bowls are thrown open to the public with or without price, shall be regarded as a "bowling alley."

Section 2. It shall be unlawful for any person or persons or their agents to conduct a bowling alley within the corporate limits of Canby without first obtaining a license so to do, as herein provided, as follows, to wit:

For each person conducting a bowling alley, \$5 each for every table or alley, per quarter; every place where bowls are thrown open to the public, with or without price, shall be regarded as a "bowling alley".

## ARTICLE XV

## WOOD SAWS

Section 1. It shall be unlawful for any person, firm, or corporation, owning or operating any wood saw by steam, electric, gasoline, or other power capable of operating the implement or machine commonly termed "power wood saw" on any street or alley within the corporate limits of Canby without first obtaining a license, said license to be issued for not less than one year and said license fee shall be paid on the first day of January each year in the sum of \$10 per year.

## ARTICLE XVI

## TRANSIENT MERCHANT

Section 1. DEFINITION. The term "transient merchant" as herein used shall mean and include every person engaged or participating in a temporary or transient business of selling or exhibiting for sale goods, wares, or merchandise in any room, building, or structure, whether such transient merchant be associated with any local dealer or not, unless such temporary or transient business be conducted upon the premises regularly occupied by such local dealer.

Section 2. LICENSE REQUIRED. No person shall engage or participate in the business of transient merchant in the city of Canby without obtaining a license therefor, as herein provided:

Every transient merchant shall pay the license fee of \$25 per quarter or fraction thereof.

Section 3. LICENSE, HOW OBTAINED. Such license shall be issued by the city recorder and shall have indicated thereon the month and day or days for which such license is granted. The fee for such license (is) stated above.

Section 4. EACH UNLICENSED SALE A SEPARATE OFFENSE. The sale of each article by

any transient merchant, without a license therefor, shall be a separate offense under, and separate violation of this article.

Section 5. COUNCIL MAY PERMIT BOND. Any person charged by complaint filed with the council of engaging in the business of a transient merchant without first having obtained a license so to do and who claims to be a permanent merchant may, in the discretion of the council and in lieu of the payment of a fine or other penalty, and as a condition of transacting business as a vendor of merchandise without the payment of such license fee, be required to give a surety company bond to the city of Canby in the penal sum of \$1,000 to secure the payment of the license fee required in the event that he fails to become a permanent merchant; provided, that if such person remains in business in the city of Canby for six months he shall be considered and deemed a permanent merchant.

## ARTICLE XVII

### APPLICATION FOR LICENSES

Section 1. All applications for licenses, until otherwise provided, shall be made in writing to the city recorder of Canby, Oregon, as provided in this ordinance.

Section 2. EXPIRATION OF LICENSES. Licenses for auctioneers, peddlers, hawkers, solicitors, photograph salesmen, circuses, carnivals, operatic or mechanical shows, jugglers, side shows, and such shall be issued daily or weekly.

Licenses for billiard (rooms) or poolrooms, moving picture shows, distributing advertising matter, billposting, shooting galleries, bowling alleys, junk dealers, (and) pawnbrokers shall be issued quarterly.

Licenses for hotels, rooming houses, lodginghouses, food establishments, secondhand dealers, and wood saws shall be issued yearly.

All quarterly licenses shall be due and payable the first days of January, April, July, and October and shall expire March 31, June 30, September 30, and December 31. All yearly licenses shall be due and payable January 1 of each year and shall expire December 31.

Section 3. POSTING LICENSES; INSPECTION. All licenses shall be posted or kept in such place that such license may be immediately produced so that any peace officer of Canby may enter, at any reasonable time, any place for which a license is required for the purpose of examining the license or for the inspection of the premises.

Any member of the police force of Canby, whenever such member is in search of property feloniously obtained or in search of suspected offenders, shall be allowed to enter and to examine the books of any business premises or the business of any junk shop, keeper, or dealer in secondhand merchandise, and any such member of the police force shall be allowed to examine any property purporting to be pawned, pledged, or deposited in the possession of whomsoever such property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

Section 4. TRANSFER OF LICENSE. Any person desiring to transfer, from one location to another, or to another person, a license to transact business shall appear in person and submit satisfactory proof to the city recorder of the change in ownership or location. If the city recorder is satisfied that all ordinances have been complied with, he shall approve such transfer. In case of denial, the applicant shall have the right to appeal in writing to the council. Nothing contained in this section shall be construed to apply to licenses not assignable or transferable.

Section 5. EXEMPTION FROM FEES. Peddlers and distributors of newspapers and Bibles and producers of farm products who peddle only such products raised by themselves shall not be subject to the payment of any license fee.

Section 6. INTERSTATE COMMERCE EXCEPTED. Any provisions providing licenses for persons engaged in the telegraph and telephone business, or in any other form of interstate commerce, shall be construed to apply only to business done within the state of Oregon, and done to or from the city of Canby, and shall not apply to any business done for the government of the United States.

Section 7. ERRORS IN CLASSIFICATION OR RATE. Any error in classification or rate made by any officer or employee of the city of Canby shall not preclude the city from collecting the full amount of the license fee due.

Section 8. LICENSES SUBJECT TO REGULATION AND REVOCATION. All licenses shall be subject to the regulations imposed by the city and shall be subject to revocation at any time by the council.

Section 9. PRESUMPTION CREATED BY ADVERTISING, ETC. Any person who advertises or otherwise holds himself out to the public as engaged in any business, profession, trade, or



calling for which a license is required, shall be presumed as holding himself out to the public as so engaged.

Section 10. REQUIREMENTS FOR HAWKERS, ETC. The person in whose name any hawker, peddler, or junk wagon license is issued shall be held responsible for acts of the person in charge of the vehicle used, and there shall not be more than one helper to each such vehicle.

Section 11. LICENSES REQUIRED. It shall be unlawful for any person to operate or maintain any device, vehicle, or thing specified in this article or to engage in any business, profession, (or) trade, or calling herein specified, unless he has the appropriate license from the city of Canby.

Section 12. In every case where more than one of the pursuits, trades, callings, businesses, professions, or occupations for which a license is required shall be pursued or carried on at the same place by the same person at the same time, license must be taken out for each, according to the rates separately prescribed.

Section 13. All licenses shall be paid in advance in the legal currency of the United States.

Section 14. Any person violating any of the provisions of this ordinance, upon conviction thereof before the recorder or mayor, shall be fined therefor in a sum not exceeding \$200 or (shall) be imprisoned for a term not to exceed 100 days, or (may be punished) by both fine and imprisonment.

#### ARTICLE XVIII

#### REVOCATION OF LICENSES

Section 1. LICENSES SUBJECT TO REGULATION AND REVOCATION. All licenses shall be subject to the regulations imposed by the city, and nothing in this ordinance contained shall be construed to create any vested right in any person to the assignment, renewal, reissuance, or continuance of any license, and the right shall be and remain at all times vested in the council. The council may, as herein provided, revoke and cancel any license for fraud or misrepresentation in its procurement; or for a violation of any of the provisions of this ordinance, or (of) any other ordinance of the city, or of any state or federal statute, or for any conduct or act of the licensee, or his employees, or permitted by him or them on the premises where such business is conducted, or in connection therewith, or adjacent thereto, tending to render such business or such premises where the same is conducted a public nuisance, or a menace to the health, peace, or general welfare of the city; or whenever, in the judgment of the council, the public interest demands such revocation.

Section 2. HEARING. Whenever the council desires to investigate or revoke any license, it shall notify or cause to be notified in writing, the licensee, of the time and place of the hearing or investigation. Such hearing or investigation shall be informal. Nothing shall operate to prevent the council from considering any evidence developed during such hearing or investigation touching or concerning the fitness of the licensee to retain his license. If, on such hearing or investigation, the council shall find that cause exists for the revocation of such license, the same may be revoked by a majority vote of the council on motion entered in the minutes.

Section 3. EFFECT OF REVOCATION. Whenever the council shall revoke the license of any person, firm, or corporation holding a license under this ordinance or any of its provisions or for any other reason, it may at the time also revoke any other license or licenses which such person, firm, or corporation may have for the carrying on of any other businesses required to be licensed under any law or ordinance of the city which is (are) operated in connection with such business, the license of which has been revoked, or upon the same premises, and the revocation of any license granted under any of the provisions of this ordinance shall be deemed sufficient cause for the revocation of such other license or licenses as herein provided.

Whenever a license to conduct any business has been revoked by the council no license shall be granted or reissued to the same person or at the same location for the same or a different business without the approval of the council. As a condition of such approval the council may, in its discretion, require the applicant to file with the city recorder of the city of Canby a surety company bond in the penal sum of \$1,000 with sureties satisfactory to the council, or deposit with the city recorder of the city of Canby a cash bond in the sum of \$500, which bond or cash shall be forfeited to the city in the event that such person is thereafter convicted of a violation of the federal, state, or city laws or ordinances for which such license might be revoked. Such bond or cash shall be for the term for which such license is granted and shall not be surrendered or cancelled during the life of such reissued license or pending final determination of any charge or accusation by federal, state, or city officials against the licensee, or any violation of any law or ordinance which might justify a forfeiture of such cash or bond.

(It is) provided, however, that the rates for licenses established by this ordinance shall not apply to any of such pursuits, trades, callings, businesses, professions, and occupations mentioned in this ordinance while the same shall be permitted to be conducted or carried on within the enclosed grounds of the Clackamas County Fair association during the time that said association is holding its annual county fair; provided, however, that said association shall not permit or allow any gambling, games of chance, fortune wheels, or any kind of devices to be carried on or conducted on its enclosed grounds whereby the people may be defrauded or swindled during said fair time.

Passed by the common council February 6 , 1939.

Signed and approved by the mayor February 6 , 1939.

J. R. Vinyard

Mayor

Attest:

Roy L. Mangus

Recorder

This intire Ordinance No.317 Repealed by Ordinance No. 439 effective 9-1-1961.