

This packet contains certain portions of the Lake Oswego City Code and is provided for informational purposes only and should not be relied upon as the official Code or Charter.

**NOTE: Certain sections are NOT COMPLETE. Some sections are omitted as their content is not directly related to the intent of this packet. Where this occurs, the omission is represented by ( ... ).**

Copies of the official City Code and Charter may be obtained through the City Attorney's Office and the entire Code can be viewed online at <http://www.codepublishing.com/or/lakeoswego/>





# **SOLICITATION**

Information Sheet, LOC 34.16

## **DOOR-TO-DOOR SOLICITATION**

Solicitation within the City of Lake Oswego requires a business license. For relatively brief door-to-door activities, a temporary license may be most suited to a vendor's needs. These cost \$25 for one week only. \$50 for two weeks. Also, door-to-door activities require a current picture of the salesperson(s) on file.

Both "for-profit" and "non-profit" solicitations require licensing. "For-profit" soliciting might include sale of magazine subscriptions, household items, or services of some kind, while "non-profit" solicitation might involve organizations such as the American Cancer Society or Green Peace seeking donations.

Also, whether it be one person or a group of twelve, each individual solicitor is required to carry a copy of the business license while conducting door-to-door solicitation. Anyone who conducts door-to-door solicitation within city limits must adhere to Ordinances 34.16.915 and 34.16.920. These address the rights of residents and business owners by restricting the hours of solicitation (between 9 a.m. and 9 p.m. daylight savings time, and only to 8 p.m. during standard time); and allows residents and businesses to prohibit solicitation through the posting of a sign that conforms to the requirements of LOC 34.16.945, LOC 34.16.945 states how the sign must read, its size, and where it should be displayed.

### **NO SOLICITATION SIGNS – AVAILABLE AT THE CHAMBER OF COMMERCE AND CITY HALL**

"No Solicitation" signs may be purchased from the Lake Oswego Chamber of Commerce for a cost of \$5.00. The Chamber is located at 459 3<sup>rd</sup> Street and the phone number is 503-636-3634. For your convenience, a supply of these signs is also maintained at City Hall, 1<sup>st</sup> Floor – Finance counter, at the same cost.

More information is available at our website: <http://www.ci.oswego.or.us/finance>



## **Article 34.16 Solicitation.**

Sections:

- [34.16.910](#) Definition.
- [34.16.915](#) Prohibited Acts, Penalties.
- [34.16.920](#) Consent to Enter Onto Real Property, Exemptions.
- [34.16.925](#) Repealed.
- [34.16.930](#) Repealed.
- [34.16.935](#) Repealed.
- [34.16.940](#) Repealed.
- [34.16.945](#) No Solicitation Sign.
- [34.16.950](#) Evidentiary Matters.

### **34.16.910 Definition.**

For the purposes of LOC [34.16.910](#) to [34.16.950](#) the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing.

(Ord. No. 1954, Sec. 2; 12-1-87.)

### **34.16.915 Prohibited Acts, Penalties.**

1. It is unlawful for any person to:

- a. Solicit before 9:00 a.m. or after 9:00 p.m. when the local time is daylight savings time or after 8:00 p.m. when the local time is standard time, without the consent of the occupant to do so.
- b. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.
- c. Leave written materials upon real property where a sign conforming to the requirements of LOC [34.16.945](#) is posted.
- d. Solicit upon real property where a sign conforming to the requirements of LOC [34.16.945](#) is posted.

2. Violation of (1)(a), (b), or (c) of this section is punishable as a civil violation.

3. Violation of (1)(d) of this section is punishable as a criminal trespass in the second degree, pursuant to LOC [34.02.035](#)(11).

(Ord. 1954, Sec. 2; 12-1-87. Ord. No. 2111, Amended, 12-20-94) (Ord. 2231, Amended, 03/21/2000)

**34.16.920 Consent to Enter Onto Real Property, Exemptions.**

1. It shall be an affirmative defense to an alleged violation of LOC [34.16.915\(1\)\(a\)](#), (c) or (d) that the person charged with the violation or crime had received actual or constrictive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

2. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9 a.m. and 9 p.m., when the local time is daylight savings time or between 9:00 a.m. and 8:00 p.m., when the local time is standard time, if they have not posted a "No Solicitation" sign, pursuant to LOC [34.16.945](#).

3. Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

4. Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency are exempt from the requirements of LOC [34.16.910](#) - 34.16.950.

5. No person may be charged with a violation of any subsection of LOC [34.16.915\(1\)](#) in connection with an act committed between 4:00 p.m. and 9:00 p.m. on each October 31st.

(Ord. No. 1954, Sec. 2; 12-1-87. Ord. No. 1958, Sec. 1; 2-2-88. Ord. No. 2111, Amended, 12/20/94; Ord. No. 2125, Amended, 09/19/95)

**34.16.925 Repealed.**

(Ord. No. 2111, Repealed, 12/20/94)

**34.16.930 Repealed.**

(Ord. No. 2111, Repealed, 12/20/94)

**34.16.935 Repealed.**

(Ord. No. 2111, Repealed, 12/20/94)

**34.16.940 Repealed.**

(Ord. No. 2111, Repealed, 12/20/94)

**34.16.945 No Solicitation Sign.**

1. If an occupant of real property chooses to not invite solicitors onto their property the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by LOC [34.16.920\(4\)](#) and (5).

2. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and,

- a. Signs must be no smaller than 6" in height by 8" in width; and,
- b. Signs must contain the words "No Solicitation" and the reference "LOC 34.16.915" in characters no less than 1/2" in height.

For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section.

(Ord. No. 1954, Sec. 2; 12-1-87.)

**34.16.950 Evidentiary Matters.**

It shall be prima facie evidence of a violation of LOC [34.16.915](#)(1)(c) if written material is found on real property upon which a sign conforming to the requirements of LOC [34.16.945](#) has been posted. The person responsible for such written material shall be the person identified in the written material as its proponent, sponsor, distributor or potential beneficiary of the communication conveyed.

(Ord. No. 1954, Sec. 2; 12-1-87. Ord. No. 2111, Amended, 12/20/94)