

7.310 Prohibited Acts, Penalties.

- (1) It is unlawful for any person to:
 - (a) Solicit before 9:00 a.m. or after 9:00 p.m., local 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 Section 7.335 is posted, without the consent of the occupant to do so;
 - (d) Solicit upon real property where a sign conforming to the requirements of Section 7.335 is posted;

(2) Violation of this section is punishable as a Class A civil infraction.

[Section 7.310 amended by Ordinance No. 1494, adopted March 19, 2003.]

7.315 Consent to Enter Onto Real Property, Exemption.

(1) It shall be an affirmative defense to an alleged violation of section 7.310 that the person charged with the violation or crime had received actual or constructive 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 9:00 a.m. and 9:00 p.m., local time, if they have not posted a "No Solicitation" sign, pursuant to section 7.335.

(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, employ-

ment or agency are exempt from the requirements of sections 7.300 to 7.340.

7.335 No Solicitation Sign.

(1) If an occupant of real property chooses to prohibit solicitors from entering onto the 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 subsection (4) of section 7.315.

(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 six inches in height by eight inches in width; and

(b) Signs must contain the words "No Solicitation" and the reference "Sections 7.300 to 7.340 West Linn Municipal Code" in characters no less than one-half inches in height.

(3) 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. If the No Solicitation sign is placed at the primary entrance to the structure, it shall not be a violation to enter the property to approach the primary entrance, provided that the person entering does not seek to gain entry to the structure or communicate with someone inside the structure.

[Section 7.335 amended by Ordinance No. 1494, adopted March 19, 2003.]

[Note: Under "Regulating Door-to-Door Solicitations" the following sections were repealed by Ordinance No. 1494, adopted March 19, 2003: Section 7.320 - Registration Statement; Section 7.325 - Issuance of Certificate of Registration, Revocation; Section 7.330 - Form of Certificate of Registration, Term; and Section 7.340 - Evidentiary Matters.]

SOCIAL GAMING

7.375 Prohibited Gaming. Except as provided in section 7.380, no person shall engage in social games or gambling within the city.

7.380 Exceptions.

(1) Charitable, fraternal, nonprofit civic associations and religious organizations may engage in social games where no house player, house bank or house odds exist and there is no house income from the operation of the social games.

(2) Charitable, fraternal and religious organizations may operate bingo, lotto or raffles in compliance with ORS 167.118 and when licensed to operate such games pursuant to ORS 167.118, 464.250 to 464.380, 464.420 and 464.450 to 464.530.

7.385 Definitions. The definitions in ORS 167.117 are applicable to sections 7.375 and 7.380.

**BUSINESS PRIVILEGE TAX--
NATURAL GAS SUPPLIERS**

[Sections 7.400 to 7.445 deleted by Ordinance No. 1487, adopted August 7, 2002.]

PUBLIC UTILITIES PRIVILEGE TAX

7.500 Authority. The privilege tax for use and occupancy of city streets covered by sections 7.500 to 7.525 is enacted pursuant to the authority of the city under Oregon law, including the authority to impose privilege taxes on public utilities.

7.505 Tax Imposed. A tax for the privilege of occupying and using streets and other facilities within the city of one and one-half percent is imposed on the gross revenue received by any supplier of electrical energy to consumers within the City that has received a franchise from the City. [Section 7.505 amended by Ordinance No. 1477 adopted November 28, 2001.]

7.510 Methodology for Calculation. The term "gross revenue" shall have the same meaning as set forth in the franchise ordinance granting a franchise to the Portland General Electric Company, or if that franchise ordinance does not define the term, in the franchise agreement with Portland General Electric Company. The methodology for calculating tax shall be identical to the methodology for calculating Portland General Electric Company's franchise fee. [Section 7.510 amended by Ordinance No. 1477 adopted November 28, 2001.]

7.515 Tax Collection. The tax imposed by sections 7.500 to 7.525 shall be due semi-annually for the preceding six-month period. The tax shall be due as follows:

(1) On or before April 1, the tax for part or all of the six-month period extending from July 1 through December 31, inclusive of both dates, of the preceding calendar year; and

(2) On or before October 1, the tax for part or all of the six-month period extending from January 1, through June 30, inclusive of both dates, of the same calendar year.

7.520 Effective Date. The tax for the privilege of occupying and using streets and other facilities shall become effective as of May 1, 1993, for gross revenues from energy consumption within the city on and after that date.

7.525 Classification of Tax. The city council determines that the tax imposed by sections 7.500 to 7.525 is not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

**CABLE TELEVISION--
FRANCHISE REGULATIONS**

7.600 Definitions. For purposes of sections 7.600 to 7.635, unless the context requires otherwise, the following mean:

Access. The availability for use by various agencies, institutions, organizations, groups and individuals in the community,