

ORDINANCE NO. 286

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ESTABLISHING REQUIREMENTS FOR THE LICENSING OF SOLICITORS AND PEDDLERS, REQUIRING A LICENSE FEE, SETTING HOURS DURING WHICH PEDDLING OR SOLICITATION IS ALLOWED, PROHIBITING SOLICITATION OR PEDDLING ON POSTED PREMISES, AND ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, on December 6, 1999, the City Council of University Place passed ordinance No. 260, repealing Chapter 5.05, General Business Registration Requirements;

WHEREAS, in the interest of the public health and safety, the City Council wishes to adopt and establish licensing requirements for solicitors and peddlers; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Terms used in this title shall have the following meanings:

*Peddler* means any person who goes from house to house, or place to place, within the City of University Place, selling and providing immediate delivery or performance, or offering for sale and immediate delivery or performance, any goods, wares, merchandise, services, or anything of value, to persons not commercial users or sellers of such commodities or services.

*Solicitor* means any person who goes from house to house or place to place within the City of University Place, taking or offering to take orders for the sale of goods, wares, merchandise, services, or anything of value for future delivery or performance from persons not commercial users or sellers of such commodities or services.

*Master Solicitor* means any person or firm that employs or uses agents or employees to act as solicitors or peddlers.

The terms *peddler* or *solicitor* shall not include any person making solicitations for charitable or religious purposes or while exercising political free speech.

Section 2. Peddler/Solicitor/Master Solicitor License Required. No person shall perform peddling or soliciting activities within the City unless he or she or his or her employer has first been issued a peddler/solicitor or master solicitor license, unless such activity is exempt as provided in this ordinance.

Section 3. Processing Procedure. The City Clerk shall issue individual peddler and solicitor's, or master solicitor licenses in the name of the city to all persons qualified under the provisions of this article and shall:

- A. Adopt all forms and prescribe the information required to implement this ordinance.
- B. Submit all applications to the Chief of Police for an investigation as set forth in Section 4 of this Ordinance.

C. Submit all applications to the Planning & Community Development Department, Planning Division and Building Division, and/or the Fire District, as necessary, for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.

D. Notify any applicant of the acceptance or rejection of this application and shall, upon denial of any registration, state in writing the reason for rejection and the process for appeal.

E. Deny any application for registration upon written findings that the granting would be detrimental to public peace, health, or welfare, or that such application for registration is not in compliance with any applicable city regulation.

F. When any such registration is denied, the applicant may appeal such decision to the Hearing Examiner pursuant to UPMC, Chapter 2.20.

G. When the issuance is denied, and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the registration was refused unless or until the registration is issued pursuant to an administrative or judicial judgment.

Section 4. License – Applicant Investigation. It shall be the duty of the chief of police to investigate each application filed under Section 3 of this ordinance, and determine:

A. The existence of the employer or firm of each individual or master solicitor applicant, by confirming the State or Federal Identification Number.

B. The genuineness of all credentials presented by the applicant.

C. Whether the applicant or any solicitor agent listed on the application has a conviction for a felony within the ten years preceding the license application and the felony directly relates to the qualification of the applicant to be a solicitor or peddler.

D. The truth of the facts set forth in the application.

Section 5. License Fee. The fee for obtaining an individual peddler or solicitor or master solicitor license shall be as set by Resolution of the City of University Place.

Section 6. License, or Facsimile Copy, must be carried on person while peddling or soliciting.

A. It shall be unlawful for any individual licensed as a solicitor or peddler to peddle or solicit without having in their possession the license issued by the city clerk pursuant to the provisions of this ordinance.

B. Each master solicitor licensee which employs, hires or engages others to act as peddlers or solicitors shall furnish as credentials to each employee, agent, independent contract, or other person peddling or soliciting for or on behalf of such licensee, a facsimile copy of its license upon which shall appear the typed or printed name and address, and the signature of the person to whom such facsimile copy is issued. Such facsimile copies will be issued by the City Clerk, who will maintain a listing of all persons to whom facsimile copies are issued. A licensee shall be responsible for the conduct and acts performed within the scope of employment or contract of any person peddling or soliciting for or on behalf of the licensee, and shall maintain a list of all persons to whom facsimile copies of its license have been issued. It shall be unlawful for any licensee or any person to peddle or solicit without having in their possession such license, or a

facsimile copy thereof, which shall be shown to all prospective buyers, and to any police officer, deputy sheriff, or license officer of the City upon the request of such officer. Such facsimile copies shall be nontransferable and shall at all times remain in the possession of the person to whom issued. Whenever any person to whom a facsimile copy has been issued ceases to act as a peddler or solicitor for or on behalf of the master solicitor licensee, notification shall be given to the City Clerk by the licensee and the facsimile copy issued to such person shall be surrendered to the licensee.

Section 7. Hours during which peddling is allowed. It is unlawful for any person to peddle or solicit, except during the following hours, without the specific prior consent of the prospective buyer:

October 1 through April 30 - between 10:00 am and 6:00 pm of any day.

May 1 through September 30 - between 10:00 am and 8:00 pm of any day.

Section 8. Unlawful to peddle or solicit on posted premises. It is unlawful for any peddler or solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence or dwelling at which a sign bearing the words "No Peddlers or Solicitors" (or words of similar import indicating that peddlers or solicitors are not wanted on said premises) is painted, affixed, or otherwise exposed to public view; provided, that this section shall not apply to any peddler or solicitor who rings the bell, knocks on the door, or otherwise attempts to gain admittance to such residence or dwelling at the invitation or with the consent of the occupant thereof.

Section 9. Exemptions. The following shall be exempt from the provisions of this ordinance:

- A. Any instrumentality of the United States, State of Washington, or any political subdivision thereof, with respect to the exercise of governmental functions.
- B. Non-profit organizations, including but not limited to religious, civic, charitable, benevolent, non-profit, cultural or youth organizations.
- C. Farmers, gardeners, or other persons who deliver or peddle any agricultural, horticultural, or farm products which they have actually grown, harvested, or produced, provided that this exemption does not apply to the sale of firewood.
- D. Any person selling or delivering door-to-door or on an established route, milk, or milk products, bakery goods, or laundry and dry cleaning services.
- E. Newspaper carriers who deliver door-to-door on an established route(s)
- F. Any person who is specifically requested to call upon others for the purpose of displaying goods, literature, or giving information about any article, service, or product;
- G. Bona fide candidates, campaign workers, and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency.

Section 10. Penalties and Violations. Any person found in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor.

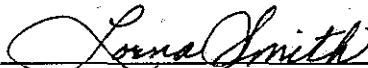
A. Criminal Penalties. Any person who fails to comply with the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, be punished as provided in RCW 9A.20.021(3). Any person violating or failing to comply with any of the provisions of this article may be punished by a fine of not more than \$500.00 or imprisoned for not more than ninety (90) days, or both, for each day or part of a day during which the unlawful act or violation occurs. The person may also be ordered to discontinue the unlawful act or correct the violation.

B. Civil Penalties. Any person who fails to comply with the provision of this article is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to UPMC, Chapter 20.

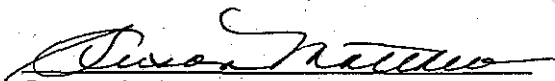
C. Other Legal Remedies. Nothing in this article limits the right of the city to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this article.

Section 11. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. The ordinance shall take effect five days after publication.

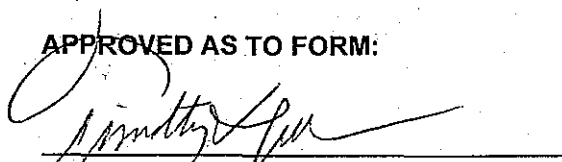
**PASSED BY THE CITY COUNCIL ON AUGUST 7, 2000.**

  
Lorna Smith, Mayor

**ATTEST:**

  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
Timothy X. Sullivan, City Attorney

Date of Publication: August 9, 2000  
Effective Date: August 15, 2000