

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: Discussion D 5

DATE: April 22, 2010

SUBJECT: Sultan's Peddler and Solicitor Ordinance

CONTACT PERSON: Jeff Brand, Police Chief and Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is a discussion on revisions to the Sultan Municipal Code to address the licensing of peddlers and solicitors.

STAFF RECOMMENDATION:

Staff recommends the Council consider revisions to Chapter 5.04 Business License to address the issue of regulating peddlers and solicitors.

Provide direction to staff to bring back Ordinance 1073-10 for adoption or to revise Title 5.04 to include Peddlers and Solicitors under the business license requirements.

SUMMARY:

On February 25, 2010, SMC 9.12, Peddler and Solicitor regulations were discussed by the Council. The current code needs to be brought into compliance with current state and federal law as recent court rulings have rendered it unenforceable.

The Council had first reading of Ordinance 1073-10 on March 11, 2010. Councilmember Pinson expressed concerns over the requirement for a special permit in addition to a business license. Councilmember Pinson would like to limit government regulations to the extent possible while addressing required compliance issues.

Staff would like the Council to consider amending Chapter 5.04 to include peddlers and solicitors in lieu of the proposed Ordinance 1073-10 amending Chapter 9.12. Proposed revisions are included as Attachment A. Revisions to the current business license code would:

1. Eliminate the need for an additional peddler's permit and require one less level of government involvement.
2. Provide an enforcement tool for Law Enforcement.
3. Could allow for background checks.

BACKGROUND:

The City of Sultan Peddler and Solicitor Ordinance has been in place since 1979 and recent court rulings have rendered it no longer enforceable. A number of other cities have been faced with the same issue and have written updated, enforceable ordinances to protect their citizens.

In recent months we have seen an increase in citizens' complaints about aggressive peddlers that are unwilling to abandon their sales pitches and try to intimidate citizens into buying their wares.

Although recent court rulings have limited the regulation authority of cities, they have not totally restricted regulations and allow a permit process to register peddlers and solicitors. The City may collect fees to offset the administrative costs of a permit program.

A revised Peddler's and Solicitor's ordinance or revisions to the Business License requirements would update Sultan Code so it is enforceable.

ALTERNATIVES:

1. Adoption of Ordinance 1073-10. This would replace the existing code section and require a license and background check for peddlers and solicitors.
2. Direct staff to revise Title 5.04, Business License, to include peddlers and solicitors. This would eliminate the need for an additional license. Chapter 9.12 would be repealed.

RECOMMENDED ACTION:

Provide direction to staff to bring back Ordinance 1073-10 for adoption or to revise Chapter 5.04 to include Peddlers and Solicitors under the business license requirements. If the Council wants to revise Chapter 5.04, it will be necessary to:

1. Vote down Ordinance 1073-10. Staff would return Ordinance 1073-10 to the agenda for second reading. Council would not approve (e.g. vote to oppose) and the ordinance would not be adopted.
2. Council would need to repeal Chapter 9.12 to remove the existing peddler and solicitor code.
3. Adopt a new ordinance to revise Chapter 5.04 SMC.

ATTACHMENTS: A. Ordinance 1073-10 Peddlers, Solicitors and Transient Merchants
B. Proposed revisions to Title 5.04 Business License
C. Chapter 9.12 – Current Code

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1073-10**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
REPEALING CHAPTER 9.12 (PEDDLERS AND SOLICITORS)
OF THE SULTAN MUNICIPAL CODE IN ITS ENTIRETY AND
ENACTING A NEW CHAPTER 9.12 ENTITLED PEDDLERS,
SOLICITORS AND TRANSIENT MERCHANTS TO PROVIDE
FOR PERMITS FOR PEDDLERS, SOLICITORS AND
TRANSIENT MERCHANTS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council has determined it is in the best interests of the community to provide for licensing of peddlers, solicitors and transient merchants;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Sultan Municipal Code (SMC) Chapter 9.12 Amended. SMC Title 9.12 (Peddlers and Solicitors) is hereby amended by repealing Chapter 9.12 in its entirety and enacting a new chapter 9.12 entitled, "Peddlers, Solicitors and Transient Merchants." The City Clerk is directed to codify the following provisions as SMC 9.12.

**Chapter 9.12
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

Sections:

- [9.12.010](#) Definitions.
- [9.12.020](#) Permit required – Exemptions.
- [9.12.030](#) Permit – Application.
- [9.12.040](#) Investigation of applicant – Issuance and denial of permit.
- [9.12.050](#) Permit – Exhibit.
- [9.12.060](#) Permit – Expiration.
- [9.12.070](#) Permit – Revocation.
- [9.12.080](#) Right of appeal.
- [9.12.090](#) Use of streets.
- [9.12.100](#) Hours and notice.
- [9.12.110](#) Records.
- [9.12.120](#) Violation – Penalty.

9.12.010 Definitions

For the purpose of this chapter, the terms defined in this section have the meaning ascribed to them:

A. "Peddler and/or Solicitor"

- (1) All persons, both principals and agents, as well as employers and employees, who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any personal property or services in the City by going from house to house or from place to place or by indiscriminately approaching individuals.

- (2) Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers are embraced within the proceeding subsection; provided, however, that this chapter is not applicable to any sales person or canvasser who solicits trade from wholesale or retail dealers within the City.
- (3) Any person, both principals and agents, as well as employers and employees, who, while selling or offering for sale, any goods, wares, merchandise or anything of value, stands in a doorway or any unenclosed vacant lot, parcel of land or in any other place not used by such person as a permanent place of business.

B. "Transient merchant" means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise within the city, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle, trailer or railroad car.

9.12.020 Permit required – Exemptions.

(1) In addition to the business license required by SMC 5.04.030, no person, corporation, partnership or other organization shall engage in the business of a peddler, solicitor, or transient merchant within the City limits without first obtaining a permit therefore as provided in this chapter.

If any individual is acting as an agent for or employed by an individual, corporation, partnership or other organization, both the individual and the employer or principal for whom the individual is peddling must obtain a permit as provided in this chapter:

- (a) provided, however, that said employer or principal for whom the individual is peddling or soliciting need not obtain a permit if written proof is submitted to the Mayor or designated appointee establishing that said employer and/or principal has transacted business within the State of Washington for a continuous period of at least three years immediately prior to the application's filing with the Mayor or designated appointee;
- (b) provided further, that if the City does not require a license of the employer pursuant to the above exemption, the City may still investigate the employer to see if the employer has in any manner violated any provision of SMC [9.12.040](#)(2) and may deny a permit to any individual employee if violations are found to exist.

(2) The following persons are exempt from the permit requirements and fee provisions of this chapter:

- (a) Farmers who peddle agricultural, horticultural, or farm products they have actually grown, harvested or produced;
- (b) 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;
- (c) Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 USC 501(c)(3) or other similar civic, charitable or nonprofit organizations;
- (d) Newspaper carriers;
- (e) Peddlers operating at any City-sponsored or authorized civic event for a time period not to exceed five consecutive days, so long as each peddler's name, address and telephone number is submitted to the City, in advance of the civic event, to be maintained in the City records; and
- (f) Vendors operating at a farmers' or public market or other City-sponsored or approved activity under the provisions of a temporary use permit; provided, that the name, address and telephone number of each vendor is provided in advance to the City to be maintained in the City records.
- (g) School or local youth groups.

9.12.030 Permit – Application.

(1) Applicants for a permit under this chapter must file with the City a sworn application in writing on a form to be furnished by the City.

(2) All applications shall provide the following information on the application, with sufficient proof of identification:

- (a) Name, date of birth and description of the applicant;
- (b) Address and telephone number;
- (c) A brief description of the nature of the business and the goods or services to be sold;
- (d) If employed or acting as an agent, the name and address of the employer or principal, together with the description of the exact relationship with the principal or employer;
- (e) If a vehicle is to be used, a description of the same, including the license number;
- (f) A photograph of the applicant, taken within 60 days immediately prior to the date of filing the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (g) A statement as to whether or not the applicant has been convicted of any crime within the last 10 years, including misdemeanors, gross misdemeanors, or violations of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore; and
- (h) All sales to occur on a parcel of land must be upon property zoned HOD, UC or ED and the following must accompany the application:
 - (i) Signature of the property owner authorizing use of parcel;
 - (ii) A site plan showing the location of the sales area the nearest driveway and the nearest fire hydrant.
- (i) That the peddling is in compliance with the applicable provisions of Chapter Snohomish County Code (SCC) 30.43; and
- (j) Such other information as may be required by the City.

(3) Unless otherwise exempt under SMC [9.12.020](#), any individual, corporation, partnership or other organization which acts as the principal or employer for individual peddlers shall obtain a permit as provided herein and shall provide the following information on the application in addition to any information required as set forth above:

- (a) The applicant's name, address and telephone number and the names and addresses of all individuals who are employed by or acting as an agent for the applicant;
- (b) If a corporation, the names, addresses and telephone numbers of the corporation's board of directors, principal officers and registered agent; provided, however, that the Mayor or designated appointee may waive any portion of this requirement when disclosure would be unduly burdensome;
- (c) If a partnership, the names, addresses and telephone numbers of the partners;
- (d) A list of any criminal convictions during the past 10 years for the applicant, any owners of the business, and if a corporation, the board of directors and officers;
- (e) Name, address and telephone numbers (business and home) of the individual, if applicable, acting as the manager for the applicants;
- (f) A list of all other cities, towns and counties where the applicant has obtained a peddler's permit or similar permit within the past five years; and
- (g) Such other information as may be required by the City.

(4) At the time of filing the application, each applicant shall pay a nonrefundable fee as set forth in the current fee resolution to cover the City's cost of investigation and the issuance of a permit, including each peddler, principal and/or employer.

9.12.040 Investigation of applicant – Issuance and denial of permit.

(1) The Mayor or designated appointee shall refer the application to the Police Department which shall determine the accuracy of the information contained in the application and conduct a criminal history background investigation of the applicant. Upon completion, the Police Department shall forward the results of the investigation, together with a recommendation for approval or denial, to the Mayor or designated appointee.

(2) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Mayor or designated appointee shall issue the permit to the applicant. The Mayor or designated appointee shall deny the applicant the permit if the applicant has:

- (a) Committed any act consisting of fraud or misrepresentation;
- (b) Committed any act which, if committed by a permit holder, would be grounds for suspension or revocation of a permit;
- (c) Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to the occupation of peddler, including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
- (d) Been refused a permit under the provisions of this chapter; providing, however, that any applicant denied a permit under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; or
- (e) Made any false or misleading statement in the application.

(3) The denial of a permit to an individual, corporation, partnership or other organization which serves as the employer or principal for individual peddlers shall be a sufficient basis to deny a permit to the individual applicants who are employed by or acting as an agent for the applicant.

9.12.050 Permit – Exhibit.

Peddlers, solicitors and transient merchants are required to exhibit their permit displayed on their person and fully visible while conducting any peddling activities.

9.12.060 Permit – Expiration.

All permits issued pursuant to this chapter are nontransferable and should be valid for the calendar year in which issued. License fees shall not be prorated for any portion of the year.

9.12.070 Permit – Revocation.

(1) Permits issued pursuant to this chapter may be revoked by the Mayor or designated appointee after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for permits;
- (b) Fraud, misrepresentation or false statements made in the course of carrying on the business as a peddler;
- (c) Any other violation of the Sultan Municipal Code;
- (d) Conviction after submission of the application for a peddler's permit of a felony or misdemeanor directly relating to the occupation of peddler, including, but not limited, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
- (e) Conducting the business of peddling in any unlawful manner or such manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public; or

(f) Violation of any part of this chapter by any employer of a permit holder, regardless of whether the employer is separately licensed under this chapter.

(2) The revocation of any permit held by an individual, corporation, partnership or other organization which serves as the employer or principal for individual peddlers shall constitute a basis for revoking the permit issued to individual applicants who are employed by or acting as agents for such individual, corporation, partnership or organization.

(3) The revocation of a permit for three or more persons who are employees or agents of an individual, corporation, partnership or organization shall constitute a basis for revoking the permit issued to the employer or principal, as well as the permits issued to all other employees or agents of that employer or principal.

(4) Notice of revocation of a permit shall be given by the Mayor or designated appointee in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. The hearing shall be held by the Mayor or designated appointee. In addition, it shall state that the peddler's permit shall be suspended pending the outcome of such hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his or her last known address. The revocation shall become final if no appeal is requested as provided in SMC [9.12.080](#). If the permit holder is an individual, corporation, partnership or organization which employs or serves as the principal for individual permit holders, the notice shall also be mailed to the individual permit holders.

9.12.080 Right of appeal.

Any person aggrieved by the action of the Mayor or designated appointee in the denial of an application for permit or in the decision to revoke a permit as provided in this chapter shall have the right to appeal to the City Hearing Examiner. Such appeal shall be taken by filing with the City Clerk, within 10 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Hearing Examiner shall set a time and place for a de novo hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in this chapter for notice of hearing on revocation. The decision and order of the Hearing Examiner on such appeal shall be final and conclusive. Hearings shall be held within 21 days of the day the request is received by the City. The fee for the hearing examiner shall be set in the City's fee schedule.

9.12.090 Use of streets.

No peddler shall have any exclusive right to any location in the public streets, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

9.12.100 Hours and notice.

No person shall engage the business of peddler between the hours of 8:00 p.m. and 8:00 a.m.

9.12.110 Records.

The Police Department shall report to the Mayor or designated appointee all convictions for violations of this chapter and the Mayor or designated appointee shall maintain a record for each permit issued and record the reports of violation therein.

9.12.120 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of up to \$1,000 and/or imprisonment for a term not to exceed 90 days.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2010.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Passed by the City Council:

Date of Publication:

Effective Date:

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**Chapter 5.04
BUSINESS LICENSES**

Sections:

- [5.04.010](#) Purpose.
- [5.04.020](#) Definitions.
- [5.04.030](#) Business license required.
- [5.04.040](#) Separate licenses required.
- [5.04.050](#) Change in nature or location of business.
- [5.04.060](#) Exemptions.
- [5.04.070](#) Issuance of license.
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- [5.04.100](#) Fraudulent use of business license.
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- [5.04.120](#) Inspections – Right of entry.
- [5.04.125 Use of streets](#)**
- [5.04.127 Hours and notice](#)**
- [5.04.130](#) Terms of license.
- [5.04.140](#) Renewal.
- [5.04.150](#) Penalty for late renewal.
- [5.04.160](#) Denial, revocation or suspension of license.
- [5.04.170](#) Appeal process – Request for hearing.
- [5.04.180](#) Appeal to the superior court.
- [5.04.190](#) License fees.
- [5.04.200](#) Violation.
- [5.04.210](#) General business license application – Public record.

5.04.010 Purpose.

The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue and to regulate and ensure the legal conduct of businesses and to assist in the effective administration of health, fire, building, zoning and other codes of the city. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.020 Definitions.

The following words, terms and phrases when used in this chapter shall have the following meanings, except where the content clearly indicates a different meaning:

- A. “Business” includes all activities, occupations, trade, pursuits, or professions located and/or engaged in within the city with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly. It also includes but is not limited to general contractors, subcontractors, home occupations, multifamily dwelling units, mobile home parks and businesses temporarily conducted within the city including but not limited to traveling salespersons.
- B. “Business enterprise” means each location at which a person engages in business within the city.
- C. “City” means the city of Sultan, Washington.
- D. “Employee” means any person employed at any business and/or business enterprise who performs any part of his/her duties within the city, except casual laborers not employed in the

usual course of business. All officers, agents, dealers, franchisees, etc., of a corporation or business trust, and partners of a partnership, are “employees” within this definition.

E. “Engaging in business” means commencing, conducting or continuing in any business or carrying on of any form of activity for gain, profit or advantage, whether direct or indirect, within the city whether or not an office or physical location for the business lies with the city.

F. “Licensee” means any business granted a business license.

G. “Person” includes one or more persons of either sex; corporations, including not-for-profit corporations and municipal corporations, partnerships, including limited partnerships; associations, joint ventures or any other entity capable of having an action at law brought against such entity, but excluding employees.

H. “Premises” shall mean and include all lands, structures and places, and any personal property, which either is affixed to, or is used in connection with any such business conducted on such premises. (Ord. 916-06 § 1; Ord. 843-04 § 1)

I. Peddler and/or Solicitor”

(1) All persons, both principals and agents, as well as employers and employees, who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any personal property or services in the City by going from house to house or from place to place or by indiscriminately approaching individuals.

(2) Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers are embraced within the proceeding subsection; provided, however, that this chapter is not applicable to any sales person or canvasser who solicits trade from wholesale or retail dealers within the City.

(3) Any person, both principals and agents, as well as employers and employees, who, while selling or offering for sale, any goods, wares, merchandise or anything of value, stands in a doorway or any unenclosed vacant lot, parcel of land or in any other place not used by such person as a permanent place of business.

J. “Transient merchant” means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise within the city, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle, trailer or railroad car.

5.04.030 Business license required.

It is unlawful for any person to conduct, operate, engage in or practice any business in the city without having first obtained a business license for the current calendar year or unexpired portion thereof, and paying the fees prescribed herein, unless such activity is exempt as provided in SMC [5.04.060](#). (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.040 Separate licenses required.

A separate business license shall be obtained for each separate location within the city at which the business is conducted. A separate business license shall be obtained for each different and discrete business conducted within the city by any person, whether at the same location as another licensed business. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.050 Change in nature or location of business.

Each business license shall authorize a particular type of business at the designated location. Any change in the nature of the business shall necessitate a new application for a business license. A change of location shall be reported in writing to the city clerk within 10 days of the

change and, if in compliance with zoning and business regulatory ordinances, the existing business license shall be transferred to the new location. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.060 Exemptions.

The following shall be exempt from the provisions of this chapter:

A. Minors engaged in business or operating a business concern where no other person is employed by the minor.

B. The United States or instrumentality thereof and the state of Washington or any municipal subdivision thereof, with respect to any exercise of government functions.

C. All special events sponsored by the city, but not to include participating commercial peddlers.

D. Nonprofit organizations carried on by religious, civic, charitable, benevolent, nonprofit, cultural or youth organizations.

E. Business where the sale or contract for services occurs on business premises outside of the city and the only event occurring within the city is the mere delivery of the goods and services to the customer or client.

F. Any farmer, gardener, or other person who sells, delivers or peddles any fruits, vegetables, berries or any farm produce or edibles raised, gathered, or produced by such person within the state. (Ord. 916-06 § 1; Ord. 843-04 § 1)

G. Peddlers operating at any City-sponsored or authorized civic event for a time period not to exceed five consecutive days, so long as each peddler's name, address and telephone number is submitted to the City, in advance of the civic event, to be maintained in the City records; and

H. Vendors operating at a farmers' or public market or other City-sponsored or approved activity under the provisions of a temporary use permit; provided, that the name, address and telephone number of each vendor is provided in advance to the City to be maintained in the City records.

5.04.070 Issuance of license.

Applications for a business license shall be made either with the city of Sultan or with the State of Washington Department of Licensing giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Said application shall be accompanied by payment of the application fee. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.080 License to be posted.

All licenses issued pursuant to this chapter authorizing the operation or conducting of any occupation, business, trade or entertainment at a specified location shall be posted in a conspicuous place at such location. The licensee at the request of any interested person shall display such license. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.090 Licenses not transferable.

No license issued under the provisions of this chapter shall be transferable or assignable unless otherwise specifically provided for; except that a license may be transferred when a business changes its structure of ownership; provided, however, that a new business license shall be required upon a substantial change of ownership, whereby those primarily accountable for the business have changed. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.100 Fraudulent use of business license.

No person holding a city business license shall suffer or allow any other person for whom a separate license is required to operate under or display such person's license and no person

may maintain a business license obtained through false or fraudulent application or return of any false statement or representation in or in connection with any such application or return for such business license. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.110 Approval of business license.

All licenses approved for issuance by the city clerk shall be conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the city and the state of Washington. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.120 Inspections – Right of entry.

The city clerk, or designee, or authorized representative of the planning and building department are authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license or regulation ordinance. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.125 Use of streets.

No peddler shall have any exclusive right to any location in the public streets, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

5.04.127 Hours and notice.

No person shall engage the business of peddler between the hours of 8:00 p.m. and 8:00 a.m.

5.04.130 Terms of license.

All business licenses shall have a term as determined by the State of Washington Department of Licensing in cooperation with the city. The city license term or expiration date will be coordinated with the terms or expiration date of all other licenses or permits required by the state for each business. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.140 Renewal.

Renewals shall be handled by the State of Washington Department of Licensing in coordination with the city finance director. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.150 Penalty for late renewal.

If any license issued under this chapter is not obtained in a timely manner or renewed by the date of expiration of the existing license, then the new application must be accompanied by a fee of 150 percent of the regular fee payable upon application under this chapter. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.160 Denial, revocation or suspension of license.

A business license issued under this chapter may be revoked, suspended or denied for any one or more of the following reasons:

A. Failure to comply with any federal, state or local laws or regulations.

B. Failure to comply with any of the terms and conditions imposed by the city on the issuance of the business license.

C. Conduct of the business or activity in a manner which endangers the public health, welfare, or safety.

D. When the license was procured by fraud, false representation or evasions or suppression of material fact. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.170 Appeal process – Request for hearing.

Upon denial, suspension or revocation of a license, the city clerk shall, by certified mail, give written notice of such action to the applicant, which notice shall include a written report summarizing the complaints, objections and information received and considered by the city clerk and further stating the basis for such action. The applicant must appeal the decision for denial, suspension or revocation within 10 calendar days of receipt of the notice by filing a written notice of appeal and request for hearing with the city clerk. Upon receipt by the city clerk of the appeal notice, a hearing shall be set before the city council. Notice of the hearing shall be given to the appellant at least 10 days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his behalf. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.180 Appeal to the superior court.

The decision of the city council is final unless an appeal of the decision is filed with the Snohomish County superior court within 30 calendar days from the date the city council decision was served upon or was mailed to the appellant. The decision for suspension or revocation of a license under this chapter shall be stayed during administrative and judicial review, but refusal to issue an initial license shall be not be stayed. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.190 License fees.

The fee for the business license required by this chapter shall be as established by resolution of the city council. The fee may be prorated as necessary to conform to SMC [5.04.130](#). (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.200 Violation.

A. Any violation of this chapter shall be deemed a misdemeanor and shall be punished by a fine not to exceed \$500.00 and any person who engages in or carries on any business subject to the provisions of this chapter without obtaining a business license, or who carries on such activities in violation of this chapter shall be guilty of a separate violation of this chapter for each day during which the business is so engaged in or carried on, and any owner who fails or refuses to pay the business license fee or any part thereof on or before the due date shall be deemed to be operating a business without having a proper license to do so.

B. Collection. Any license fee or tax due and unpaid and delinquent under this chapter, and all penalties thereon may be collected by civil action, which remedy shall be in addition to any and all other existing remedies and penalties. (Ord. 916-06 § 1; Ord. 843-04 § 1)

5.04.210 General business license application – Public record.

General business license applications made to the city clerk pursuant to this chapter shall be public information subject to inspection by all persons except to the extent those records may be deemed to be private or would result in unfair competitive disadvantage to such business enterprise if disclosed, all as more particularly described in Chapter 42.17 RCW. (Ord. 916-06 § 1; Ord. 843-04 § 1)

**Chapter 9.12
PEDDLERS AND SOLICITORS**

Sections:

- | | |
|--------------------------|---|
| 9.12.010 | Uninvited solicitation declared nuisance. |
| 9.12.020 | Exceptions. |
| 9.12.030 | Violation – Penalty. |

9.12.010 Uninvited solicitation declared nuisance.

The practice of going in and upon private residences in the city of Sultan by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or owners, occupant or occupants, of said private residences for the sale of goods, wares and merchandise or services or solicitation of orders thereof, and/or disposing of and/or peddling or hawking the same, is declared to be a nuisance and punishable as such nuisance as a misdemeanor. (Ord. 377 § 1, 1979)

9.12.020 Exceptions.

The provisions of SMC [9.12.010](#) shall not apply to:

- A. A farmer or gardener vending his own unprocessed farm products raised or grown exclusively upon lands owned or tenanted by him;
- B. Vendors of dairy products and bakery goods;
- C. Unpaid solicitors for community service organizations operated not for profit;
- D. Vendors of printed materials, the chief aim of which is the dissemination of current news as distinguished from fictional writings. (Ord. 377 § 2, 1979)

9.12.030 Violation – Penalty.

Any person violating the provisions of this chapter shall upon conviction thereof be fined not more than \$300.00 or imprisoned not more than 30 days, or both fined and imprisoned. (Ord. 377 § 3, 1979)