

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: Action A 2

DATE: May 27, 2010

SUBJECT: Resolution 10-04 Authorization for Interfund Loans

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is the adoption of Resolution 10-04 to provide administrative authority to the Finance Director (or designee) to make interfund loans as needed to keep funds solvent.

STAFF RECOMMENDATION:

Staff recommends the Council adopt the revised version of Ordinance 1073-10 to repeal SMC Chapter 9.12 regulating peddlers and solicitors.

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.

At the April 22, 2010 meeting, the Council determined it could amend Chapter 5.04 Business License, to include peddlers and solicitors in lieu of the proposed Ordinance 1073-10 amending Chapter 9.12. It is necessary to repeal Chapter 9.12 to eliminate conflicting regulations.

RECOMMENDED ACTION:

Adoption of Ordinance 1073-10 repealing Chapter 912, Peddlers and Solicitors.

ATTACHMENTS: A. Ordinance 1073-10 Revised to repeal Chapter 9.12
B. 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;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE

WHEREAS, the City Of Sultan adopted Ordinance 377 in 1979 to provide control and policing of peddlers and solicitors; and

WHEREAS, the City Attorney has recommended Chapter 9.12 be repealed as recent court rulings and rendered it no longer enforceable; and

WHEREAS, the City has provisions for business licenses in Chapter 5.04;

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

Section 1. Repealer. The existing SMC Chapter 9.12, Peddlers and Solicitors, is hereby repealed in its entirety.

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 27th DAY OF May 2010.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Date of Publication:

Effective Date:

**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)