

ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 5.03 TO THE WOODINVILLE MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR DOOR-TO-DOOR CANVASSERS, PEDDLERS, AND SOLICITORS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.82.020 permits the City to exercise its police powers to license, inspect, and regulate all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades, professions, and other lawful activity, unless preempted by the state; and,

WHEREAS, the City Council finds it in the best interest of the public to establish specific regulations for door-to-door solicitors and solicitations within the City; and

WHEREAS, such regulations will facilitate the City's efforts to ensure that the public safety and peace are preserved; and ensure that while at home, residents are not unreasonably subjected to uninvited door-to-door solicitors that may visit their homes at inconvenient times or under unregulated conditions; and

WHEREAS, the City Council finds it will be beneficial to the citizens of Woodinville to have such regulations in place in order to establish uniform regulations for door-to-door solicitors to preserve the expectation of privacy and quiet in its residential neighborhoods;

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

Section 1. New Chapter Added. Title 5 of the Woodinville Municipal Code is hereby amended by adding a new Chapter 5.03.040, entitled "Door-to-Door Canvassers, Peddlers and Solicitors", to read as follows:

5.03.040.010 Purpose. The City Council finds that the public health, safety and welfare requires that the citizens of the City be provided with information relating to persons and organizations who solicit within the City, that such activities be regulated, and that the citizens of the City be protected from deceptive and dishonest practices.

5.03.040.020 Definitions. The following words, terms, and phrases, when used in this ordinance shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

- A. A "Master Peddler" is a person or firm which employs or uses agents or employees to act as peddlers, solicitors, or canvassers.
- B. A "Peddler, Solicitor, or Canvasser" is any person who sells, offers for or exposes for sale or who trades, deals or traffics in any services, magazines, periodicals or any other personal property at retail in the city, by going from house to house or by indiscriminately approaching individuals; provided, however, that this subsection shall not be deemed applicable to any salesman or canvasser who

solicits trade from wholesale or retail dealers in the city. "Peddle, solicit, or canvass" means to engage in such actions.

- C. Peddler, Solicitor, or Canvasser excludes: (1) members of religious, political, or community organizations engaged in non-commercial door-to-door solicitation activities; (2) any farmer, gardener, or other person, selling, delivering, or peddling any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person; (3) newspaper carriers; and (4) any person who, after having been requested by another to do so, calls upon that other person at a pre-arranged time for the purpose of displaying or delivering goods, literature or giving information about any article, thing, product or service.

5.03.040.030 Business License Required. No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a City Business License, as provided in WMC Chapter 5.02.

5.03.040.031 Special Peddler's Registration and Permits Required. No person, firm, organization, or corporation shall transact, engage in or carry on any peddling, soliciting, or canvassing activity within the City of Woodinville without first having obtained a Peddler's Permit. To obtain a Peddler's Permit, an applicant shall complete and submit, upon a form designated by the City Manager, an Application for Peddler's Permit. If approved by the City, each Master Peddler and peddler, solicitor, or canvasser shall conduct its activities in accordance with the rules specified in Section 5.03.040.040.

A Peddler's Permit shall be valid for a term of 6 months and shall not be transferrable to another party or individual, except upon approval of the City.

The fee for a Peddler's Permit shall be established by Resolution approved by the Woodinville City Council.

5.03.040.040 Rules of Operation.

- A. List of Peddlers. Any business which conducts canvassing, peddling or soliciting activities must provide a listing of all persons who will be canvassing, peddling or soliciting within the city before they begin peddling activities. The listing must include first, middle and last name, date of birth, and a legible copy of government issued photo identification. The listing must be submitted to the City at least 7 days before commencement of any peddling activities.
- B. Approval Required. All canvassing, peddling or soliciting activities must be approved by the city before commencement of said activities.
- C. Display of Business License and Identification. Business Licenses and Peddler's Permits, or copies thereof, shall be carried at all times by each licensee and/or all of the licensee's employees, agents or representatives for whom issued when peddling, soliciting or canvassing within the city and shall be displayed along with photo identification visibly upon their person.

- D. Hours of Peddling. Canvassing, peddling or soliciting activities are only allowed between the hours of 10:00 a.m. to 9:00 p.m.
- E. No Soliciting or Trespassing on Posted Properties. All canvassers, peddlers or solicitors must abide by all posted restrictions on private property for said activities. It shall be unlawful for any Peddler, Solicitor or Canvasser to enter upon any private premises posted with visible signs or other notifications stating "No Peddlers" or "No Solicitors" or "No Canvassers" singularly or in combination with one another.
- F. Written Records of Orders. All orders taken by licensed solicitors shall be in writing, in duplicate, stating the name of the solicitor, as it appears on the license, the solicitor's permit number as issued under this chapter, the address of both the solicitor and his employer, the terms of the order of agreements, and the amount of money or checks paid to the solicitor. One copy of such order or agreement shall be given to the purchaser.

5.03.040.050 Violations and Penalties.

Any violation of these requirements shall constitute a violation subject to the provisions of WMC 1.03, General Penalty; and WMC 1.06, Civil Infractions."

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Publication and Effective Date. This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5th DAY OF MAY 2015.


Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:


Jennifer L. Kuhn, CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 05-05-2015
PUBLISHED: 05-11-2015
EFFECTIVE DATE: 05-18-2015
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