

ORDINANCE NO. 1265

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTER 5.21 GHMC RELATING TO PEDDLERS AND SOLICITORS TO REDEFINE ACTIVITIES THAT REQUIRE A LICENSE AND TO CHANGE EXEMPTIONS TO LICENSING REQUIREMENTS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor desires to better develop its guidelines for the regulation and licensing of peddlers and solicitors; and

WHEREAS, it is necessary to establish and clarify these guidelines for the purpose of insuring consistency, adherence to municipal regulations, and efficiency; and

WHEREAS, the City Council desires to amend Chapter 5.21 GHMC relating to licensing of peddlers to include persons who solicit door to door and place to place; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Chapter 5.21 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Chapter 5.21 PEDDLERS AND SOLICITORS

Sections:

- 5.21.010 Peddler/Solicitor defined.
- 5.21.020 License required – Exceptions.
- 5.21.030 Application – Fee – Issuance of License.
- 5.21.040 Restrictions on place and time of peddling.
- 5.21.050 Penalty.
- 5.21.060 Suspension or revocation procedure.

5.21.010 Peddler/Solicitor defined.

"Peddler/Solicitor" for the purpose of this chapter shall be construed to include:

A. All persons, both principals and agents, who, without prior invitation from the occupant, go from place to place, or house to house, carrying for sale, exposing for sale, or offering for sale goods, wares, merchandise, or services of any type, for present or future delivery.

B. All persons, both principals and agents, seeking to obtain gifts, donations or contributions of money, clothing, or other valuable thing.

C. All persons, both principals and agents, engaging in activity for which registration is required under Chapter 19.09 RCW, Charitable Solicitations (whether registered with the secretary of state or not).

"Peddle/Solicit" means to engage in such actions. Peddling/Soliciting does not include place to place religious or political activity, advocacy, promotion, or distribution of such materials.

5.21.020 License required – Exceptions.

A. It is unlawful for any person, both principals and agents, to engage in business as a peddler/solicitor in the city without first obtaining a city of Gig Harbor peddler/solicitor license for each person peddler to peddle any goods, wares, merchandise or services without first obtaining a peddler's license as provided for in this chapter.

B. Exceptions. No person shall be required to take out a license or pay a fee:

1. For the peddling of local newspapers;

2. For the peddling of fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person;

3. When that person, after having been specifically requested by another to do so, calls upon that other person for the purpose of displaying goods or literature about any article, thing, or product; or

4. When that person is acting in his or her capacity as a member of a charitable organization under Chapter 19.09 RCW (whether registered with the secretary of state or not), political organization, religious or nonprofit organization or corporation which has received tax exempt status under 26 USC Section 501(c)(3) or other similar civic, charitable, political, or nonprofit organizations federal, state or local governmental agency or entity.

5.21.030 Application – Fee – Issuance of license.

A. Every peddler/solicitor, other than those exempt under this chapter, whether principal or agent, shall before commencing business in the city make application in writing on a form to be provided by the city of Gig Harbor licensing officer. The application shall include applicant shall complete an authorization form allowing release of all criminal history record information to the Gig Harbor police department. The applicant shall provide a copy of a valid driver's license or picture ID for identification purposes.

B. At the time of filing the application, a nonrefundable fee in the amount of \$50.00 shall be paid to the city to cover the costs of investigation and processing the application. The permit is valid for a period of 90 days from the date of issuance.

C. The licensing officer shall refer the application to the police department, who shall make a criminal history background investigation of the applicant. Upon completion, the police department shall forward the results of the investigation to the licensing officer.

D. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the permit center shall issue the license to the applicant. The city shall deny the applicant the license if the applicant has:

1. Committed any act consisting of fraud or misrepresentation;
2. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
3. Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler/solicitor, and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
4. Been charged with a misdemeanor or felony of the type defined in subsection (D)(3) of this section, and disposition of that charge is still pending;
5. Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and
6. Made any false or misleading statements in the application.

E. All peddlers/solicitors shall conspicuously display on their outer clothing their peddler/solicitor's license/identification when engaged in peddling activities.

F. The city is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check.

G. The peddler/solicitor's license shall be endorsed with a statement of the type of product or service sold by the licensee. The license is valid only for the product or service specified.

5.21.040 Restrictions on place and time of peddling.

- A. No peddler/solicitor shall engage or attempt to engage in the business of peddling/soliciting at any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or "No Trespassing" sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers/solicitors.
- B. No peddler/solicitor shall engage in the business of peddling except between the hours of 9:00 a.m. and 8:00 p.m.
- C. No peddler/solicitor shall make any untrue, deceptive, or misleading statements about the product or services offered for sale.
- D. No peddler/solicitor shall make any untrue, deceptive, or misleading statement regarding the purposes of his/her contact with a potential customer.

5.21.050 Penalty.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor.

5.21.060 Suspension or revocation procedure.

In addition to the other penalties provided herein or by law, any peddler/solicitor's license issued under the provisions of this chapter may be revoked or suspended if the licensee or any of its employees, officers, agents or servants, while acting within the scope of their employment, violates or fails to comply with any of the provisions of this chapter or commits any of the conditions listed in GHMC 5.01.130(A). The city may revoke or suspend any peddler/solicitor's license issued under the provisions of this chapter by utilizing the procedures set forth in GHMC 5.01.130.

Section 2 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 3 - Effective Date. This ordinance shall take effect and shall be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this 22nd day of July, 2013.

APPROVED:

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

FILED WITH THE CITY CLERK: 07/01/13
PASSED BY THE CITY COUNCIL: 07/22/13
PUBLISHED: 07/24/13
EFFECTIVE DATE: 07/29/13
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