

Ordinance No. 41

AN ORDINANCE relating to the licensing of peddlers, canvassers and transient auctioneers and merchants, and providing penalties for the violation thereof.

BE IT ORDAINED by the Council of the Town of Gig Harbor, as follows:

Section 1. It shall be unlawful for any peddler, canvasser or transient auctioneer or merchant to engage in peddling, canvassing or to conduct an auction or sale within the Town of Gig Harbor, Washington without first obtaining a license therefor in compliance with the provisions of this ordinance.

Section 2. Definitions. When used in this ordinance, the following terms shall have the following meanings:

(a) "Peddler" shall be given its usual and common meaning, and shall include hawkers and hucksters, and shall also include any person, whether or not a resident of the Town of Gig Harbor, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exhibiting the same for sale, or making sales and delivering articles to purchasers. It shall not include vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes, nor shall it include any one engaged wholly in business at wholesale.

(b) "Canvasser" shall include any person, whether a resident of the Town of Gig Harbor, Washington, or not, who goes from house to house, place to place or from street to street, soliciting or attempting to take orders for the sale of goods, wares or merchandise, including magazines, books or periodicals, or other personal property of any nature whatsoever, for future delivery, or for services to be performed in the future.

(c) "Transient auctioneer or merchant" shall include any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Town of Gig Harbor or not, who engaged in a temporary business of auctioning or selling goods, wares or merchandise within the Town, and who in furtherance of such business, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, boat, public room, apartment, shop, or any street, road, alley or other place within the Town of Gig Harbor, for the exhibition and auction or sale of such goods, wares and merchandise. No one so engaged shall be relieved of complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with or as a part of, or in the name of, any local dealer, trader or auctioneer.

Section 3. Exemptions: This ordinance shall not be held to include newsboys, nor the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this ordinance be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of, or offer so to do, with reference to the products of a farm or garden occupied and cultivated by him, nor shall anything herein contained be held to prohibit the sale of anything required by statute or the order of any court. Nor shall this ordinance be held to include persons taking orders for

magazines or other merchandise or for solicitations which are solely for the benefit of churches, schools, patriotic or charitable organizations, from which the solicitors therefor receive no personal gain.

Section 4. Application: Applicants for a license under this ordinance must file with the Town Clerk a sworn application in writing which shall give the following information:

- (a) Name and physical description of applicant.
- (b) Complete permanent home and local address of the applicant, and in the case of transient merchants, the local address from which proposed sales will be made.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.

Section 5. Issuance of License: Each applicant for a license under this ordinance shall pay the following license fees and taxes:

For peddlers and canvassers: \$10.00 per calendar month, or portion thereof, or \$20.00 per calendar year, or portion thereof.

For transient auctions or sales: \$200.00 per day or portion thereof for each separate auction or sale.

All fees shall be paid at the time of the granting of said license.

Any Veteran who holds a special State license issued pursuant to the Revised Code of Washington, Section 73.04.050, shall be exempted from acquiring a license hereunder, but shall be required to comply with all provisions of moral fitness and business responsibility and shall be subject to the penalties provided herein on all applicable portions of this ordinance.

Section 6. Penalties: (a) Any person, firm or corporation which shall violate any of the provisions of this ordinance shall be subject to a fine of not more than One hundred (\$100.00) Dollars or imprisonment in the county jail for a period not to exceed thirty (30) days, or both. Each day's violation of the provisions of this ordinance shall be deemed to constitute a separate offense.

(b) Any person, firm or corporation holding a license under this ordinance may be charged with fraud or unethical business conduct by filing such written charge with the Town Clerk. In the event such charge shall be filed, the Town Council shall fix a date for hearing upon said charges not less than 20 nor more than 60 days from the date of filing said charge, and send notice of said hearing to all interested parties by registered mail. If at said hearing a majority of the Town Council shall deem said charges to be substantiated, the license issued hereunder shall be forthwith revoked and cancelled.

Section 7. This ordinance shall take effect upon its passage and publication as provided by law.

Passed this day of December, 1955.

Murill Parish
MAYOR

Attest: _____
TOWN CLERK