AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADDING A NEW CHAPTER 5.06 TO THE SAMMAMISH MUNICIPAL CODE TO BE ENTITLED “SOLICITOR’S LICENSE”; PROVIDING FOR SOLICITOR’S BUSINESS LICENSE FOR ENGAGING IN BUSINESS IN THE CITY; DEFINING TERMS; PROVIDING FOR PROCEDURES FOR ISSUING, SUSPENDING AND REVOKING SOLICITOR’S BUSINESS LICENSE; SETTING FORTH FEES; REGULATING USE OF CITY STREETS; RESTRICTING HOURS; REQUIRING RECORDS; AND SETTING FORTH PENALTIES; AND DELETING SECTIONS OF 5.05 RELATING TO PEDDLERS AND AMENDING SECTION 5.05.020(7) RELATING TO TRANSIENT MERCHANTS

WHEREAS, the City of Sammamish is a non-charter optional municipal code city incorporated under the laws of the State of Washington and has the power to enact ordinances and regulate solicitors for the protection of the public health, safety and general welfare;

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

Section 1. Chapter 5.06 SMC Created. A new Chapter 5.06 (“Solicitor’s License”), is hereby added to the Sammamish Municipal Code to read as shown in Attachment “A”:

Section 2. Chapter 5.05 SMC Amended. Chapter 5.05 shall be amended as follows: Delete Section 5.05.020(5) and Section 5.05.030(3). Amend Section 5.05.020(7) to read as follows:

(7) “Transient merchant” means any person, firm or corporation who engages in, does or transacts any temporary business at wholesale or retail for the sale of goods, wares or merchandise, or services, and who for such purpose shall use or occupy—any building, vehicle, booth or other structure, either temporary or permanent, for the exhibition and/or sale of such property or services; any building, vehicle, booth or other structure, either temporary or permanent; or any vacant lot, parcel of land, or any other place not used by such person as a permanent place of business.
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should 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 phase of this ordinance.

Section 4. Effective Date. This Ordinance is not subject to referendum as provided by law and shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published in the official newspaper of the City.


CITY OF SAMMAMISH

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melanie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

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Chapter 5.06
SOLICITOR’S LICENSE

Sections:
5.06.010 Definitions.
5.06.020 License – Required – Exemptions.
5.06.030 License – Application.
5.06.040 Investigation of application – Issuance and denial of license.
5.06.050 Fees.
5.06.060 Exhibition of license.
5.06.070 Expiration.
5.06.080 Revocation or suspension of license – Grounds.
5.06.090 Appeal.
5.06.110 Use of streets.
5.06.120 Hours.
5.06.130 Records.
5.06.140 Penalty for violation.

5.06.010 Definitions.

A solicitor is defined as follows:

A. Any person, both principals and agents, who shall sell, offer or expose for sale, or trade, deal or traffic in any personal property at retail in the City by going from house to house or from place to place or by indiscriminately approaching individuals.

B. Sales by sample or for future delivery, and executory contracts of sale by solicitors, are embraced within the preceding subsection; provided, however, that this section shall not apply to any salesman or canvasser who solicits trade from wholesale or retail dealers in the City.

5.06.020 License – Required – No Soliciting Signs - Exemptions.

A. No person or individual shall act as a solicitor within the city limits without first obtaining a license therefor as provided in this chapter. It is a violation of this chapter to solicit without a valid license.

B. It is a violation to solicit on premises that conspicuously display a “no solicitors” sign, or a sign with similar language.

C. The following persons are eligible for an exemption to the license requirements and fee provisions of this chapter:
1) Farmers, gardeners, or other persons who sell, deliver, or peddle agricultural, horticultural or farm products (including fruits, vegetables, berries, eggs, or other edibles) which they have actually grown, harvested, manufactured or produced, provided that this exception does not apply to sale of firewood;

2) Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 U.S.C. 501(c)(3) or other similar civic, charitable, educational, political, or non-profit organizations; and

3) Newspaper subscription solicitors and vendors of books and periodicals.

Provided, however, that any such person must first apply for an exemption on forms furnished by the City Clerk. Upon determination by the City Clerk that such person is exempt from the license requirements, a copy of the approved “application for exemption” shall be provided and must be carried by the person at all times the person solicits in the City.

5.06.030 License - Application.

A. License applicants must file with the City Clerk a sworn application in writing on a form furnished by the City Clerk.

B. All applicants must supply the following information:

1) Name, home address, home telephone number, date of birth, valid driver’s license(s), vehicle description(s), and license plate numbers(s);

2) Name, business address, mailing address, and phone number of sponsor, employer or association which the solicitor is representing, if applicable;

3) Description of item(s) for sale;

4) Business references;

5) Whether or not the solicitor has ever been convicted of a crime related to the sale or representation of any goods, wares, merchandise or anything of value, and, if so, the details thereof (i.e. burglary, theft or crimes against the person).
5.06.040 Investigation of application - Issuance and denial of license.

A. The City Clerk or designee shall verify the information included in the application.

B. After verifying the information contained in the application, the City Clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The City Clerk shall deny a license if the applicant has:

1) Within the last 10 years been convicted of a crime or offense directly related to the sale or representation of any goods, wares, merchandise or anything of value, including, but not limited to burglary, theft, and fraud;

2) Made a false or misleading statement in the application.

5.06.050 Fees.

Solicitor’s license fees shall be as shown in the most current City Fee Schedule. Such fees shall be paid at the time of filing the application without proration.

5.06.060 Exhibition of license.

Solicitors are required to exhibit their license at the time of any solicitation and upon request by a police officer and any person being solicited.

5.06.070 Expiration.

All licenses issued under this chapter shall expire on December 31st of each year.

5.06.080 Revocation or suspension of license – Grounds.

The City Clerk may, at any time, suspend or revoke any license issued under the provisions of this chapter whenever the licensee, or any officer, employee or partner thereof:

1) Has violated any federal, state or city statute, law, regulation or ordinance directly related to his or her fitness for a solicitor’s license, whether or not the licensee, or officer or partner thereof, has been convicted in any court of competent jurisdiction of such violation; or

2) Is conducting or has conducted, engaged in or operated a business stated in the license which does not conform to the ordinances of the City; or

3) Has maintained or permitted the business stated in the license to be conducted, engaged in or operated in such manner as to constitute a public nuisance; or
4) Has made any material false statement or representation in connection with obtaining the license.

5.06.090 Appeal.

A. Whenever the City Clerk determines that there is cause for denial, suspension or revocation of a solicitor’s license, the Clerk shall, by certified mail, notify the applicant or licensee of the Clerk’s determination, including the grounds for denial, suspension or revocation. Notice mailed to the address on the application or license shall be deemed received three days after mailing.

B. The licensee may appeal the decision of the City Clerk to deny, suspend or revoke a solicitor’s license by filing a written notice of appeal to the hearing examiner within 21 days of the City Clerk’s decision, pursuant to the procedures in Chapter 20.10 SMC.

5.06.110 Use of streets.

No solicitor shall have any right to a stationary location in a public right of way.

5.06.120 Hours.

No person required to obtain a solicitor’s license shall engage in the business of solicitation between the hours 7:00 pm and 9:00 am Monday through Friday and between the hours of 5:00 pm and 10:00 am on Saturday and Sunday.

5.06.130 Records.

The police shall report to the City Clerk all convictions for violations of this chapter, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

5.06.140 Penalty for violation.

Any person failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties provided in Chapter 1.10 SMC.