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ORIGINAL

ORDINANCE NO. 1418

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CH. 5.08 OF THE REDMOND MUNICIPAL CODE TO AMEND THE DEFINITION OF PEDDLER; SET FORTH CRITERIA FOR THE ISSUANCE OF PEDDLERS' LICENSES; SET FORTH PERMISSIBLE HOURS AND PLACES OF OPERATION FOR PEDDLERS; CONTAINING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Redmond, Washington, finds that Chapter 5.08 of the Redmond Municipal Code should be amended to better address the problems of crime and citizen disturbance that can be attendant to door-to-door sales activities; and

WHEREAS, the City Council finds that the following amendments to RMC Ch. 5.08 are necessary for the public health, safety and welfare, now, therefore

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Section 5.08.010 of the Redmond Municipal Code is hereby amended to read as follows:

5.08.010 - Peddler Defined. "Peddler" for the purpose of this chapter shall be construed to include all persons, both principals and agents, who 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. "Peddle" shall mean to engage in such actions.

Section 2. Section 5.08.020 of the Redmond Municipal Code is hereby amended to read as follows:

5.08.020 - License required - Exceptions.

- (a) It is unlawful for any peddler to peddle any goods, wares, merchandise or services without first obtaining a peddlers 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 in any place in this state;

- (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, literature or giving information about any article, thing, product or service; or
- (4) when that person is acting in his or her capacity as a member of a charitable, religious or non-profit organization or corporation which has received tax exempt status under 26 U.S.C. Sec. 501(c)(3) or other similar civic, charitable or non-profit organizations.

Section 3. Section 5.08.030 of the Redmond Municipal Code is hereby amended to read as follows:

5.08.030 Application - Fee.

- (a) Every peddler, 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 Clerk. The application shall include an authorization allowing release of all criminal history record information to the Redmond Police Department.
- (b) At the time of the filing of the application, a fee of \$25.00 shall be paid to the City Clerk to cover the costs of investigation and processing the application.
- (c) The City Clerk shall refer the application to the chief of police, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police shall forward the results of the investigation, to the City Clerk.
- (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 City Clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The City Clerk 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 ten (10) years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, 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 3, and disposition of that charge is still pending.
 - (5) been refused a license under the provisions of this Ordinance; provided, however, that any applicant denied a license under the provisions of this Ordinance may reapply if and when the reasons for denial no longer exist; and
 - (6) made any false or misleading statements in the application.
- (e) Every peddler shall be required to carry the peddlers license and display it along with photo identification upon request by a prospective customer or law enforcement officer.
 - (f) The City Clerk is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check.

Section 4. A new section 5.08.035 is hereby added to the Redmond Municipal Code to read as follows:

5.08.035 - Restrictions on place and time of peddling.

- (a) No peddler shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers.
- (b) No peddler shall engage in the business of peddling between the hours of 9:00 p.m. and 9:00 a.m.

Section 5. 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 phrase of

this ordinance.

Section 6. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schaible
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: Jay C. Martin

FILED WITH THE CITY CLERK: 4-14-88
PASSED BY THE CITY COUNCIL: 4-19-88
PUBLISHED: 4-24-88
EFFECTIVE DATE: 4-29-88
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