

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 04-0198**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ESTABLISHING PEDDLERS,
SOLICITORS AND TRANSIENT MERCHANTS
REGULATIONS, PROVIDING FOR SEVERABILITY,
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council for the City of Kenmore desires to establish peddlers, solicitors and transient merchants regulations in the best interest of the health, safety and general welfare of its citizens:

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

Section 1. Definitions

- (A) "Peddler" means any person with no fixed place of business who goes from house to house, from place to place or from state to state, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers.
- (B) "Solicitor" means any person who goes from house to house, from place to place, or from state to state, soliciting, taking or attempting to take orders for any goods, wares or merchandise, including books, periodicals, magazines or personal property of any nature whatsoever, including any services for future delivery.
- (C) "Registered solicitor" means and includes any person or business which has obtained a valid certificate or registration as provided in this chapter.
- (D) "Transient Merchant" means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise within the city, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle, or trailer.

Section 2. Registration required. It is unlawful and a nuisance for any person to engage in commercial or business solicitation and/or canvassing, calling at residences without the previous consent of the occupant for purposes of soliciting orders, sales, subscriptions or business commercial information without first having registered in the office of the city clerk. The applicant shall provide a written signed application stating:

- A. The name, address, telephone number and contact person for the principal applicant;
- B. The nature of the products or services involved, the names of the manufacturers, if any;

- C. The proposed method of operation in the city;
- D. A list of persons who will solicit or canvass in the city, including each person's name, address and telephone number, a general description of each person; and
- E. Any other information required by the city.

Section 3. Identification. Every peddler, solicitor, registered solicitor or transient merchant shall not conduct business within the city limits without possessing a valid copy of their solicitor/peddler certificate at all times.

Section 4. Hours of Operation. Peddlers, solicitors, registered solicitors or transient merchants shall not operate within the city limits of Kenmore between the hours of 8:00 p.m. and 8:00 a.m. without a prearranged appointment.

Section 5. No Soliciting Signs Compliance. No peddler, solicitor, registered solicitor, or transient merchant shall contact any residence that is posted by signage that such contacts are not desired by the residents.

Section 6. Use of Streets, Parks or Rights of Way. No peddler, solicitor, registered solicitor or transient merchant shall have any exclusive right to any location in the public streets, parks or public rights of way, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section the judgment of a law enforcement officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

Section 7. Exemptions. Except where noted the following shall be exempt to all provisions of this ordinance.

Officers or employees of the city, county, state or federal government, or any subdivision thereof when on official business.

Charitable, religious, nonprofit organizations, any political campaign on behalf of (or in opposition to) any candidate for public office or other similar civic, charitable, or non profit organizations shall be exempt from all provisions except the section pertaining to compliance with "No soliciting" signage.

Section 8. Enforcement and Penalties. VIOLATION – PENALTY: Violation of this ordinance is a misdemeanor and any person, business, firm or corporation who violates any of the provisions herein shall upon conviction be punished by a fine of up to \$1,000.00 and/or imprisonment for a term not to exceed 90 days.

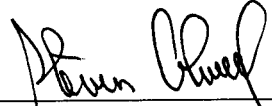
Section 9. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Section 10. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.


ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF MAY, 2004.

CITY OF KENMORE



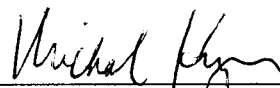
Steven Colwell, Mayor

ATTEST/AUTHENTICATED:



Lynn Batchelor, City Clerk

Approved as to form:



Michael R. Kenyon, City Attorney

Filed with the City Clerk:	May 5, 2004
Passed by the City Council:	May 10, 2004
Ordinance No.	04-0198
Date of Publication:	May 14, 2004
Effective Date:	May 20, 2004