

Chapter 5.36

SOLICITORS AND CANVASSERS

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5.36.010 License and Permit Required. It shall be unlawful for any solicitor or canvasser as defined in Section 5.36.020 to engage in such business within the corporate limits of the City of Snohomish without obtaining a permit and/or license therefore in compliance with the provisions of this chapter. (Ord. 952, 1964)

5.36.020 Definitions. A canvasser or solicitor is defined as any individual, whether or not a resident of the City of Snohomish, who travels in any manner from place to place or from house to house or street to street taking or soliciting orders for sales of goods, wares and merchandise, and personal property of any nature whatsoever for present or future delivery or for services to be performed presently or in the future, whether or not a sample of such goods, merchandise, or personal property is carried or exposed to prospective customers, and whether or not advance payments on such proposed sales are collected or not; said definition of a canvasser or solicitor shall include any person or party who for himself or for another person, firm, or corporation hires, leases, uses, or occupies any building, tent, or other structure or place within the

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City of Snohomish for the sole purpose of exhibiting samples and taking orders for present or future delivery of goods or services. (Ord. 952, 1964)

5.36.030 Application for Permit and License. Applicants for permit and license shall submit a sworn application in duplicate on a form to be furnished by the City to the City Clerk, to include the following information pertaining to the applicant:

- A. Name and description;
- B. Permanent home address and local address;
- C. Description of the nature of the business and goods and/or services to be sold;
- D. Name and address of employer, if any;
- E. Length of time the right to do business is desired;
- F. The exact place where the goods or personal property proposed to be sold or for which orders are to be taken are manufactured or produced, and the exact location of such goods or personal property at the time said application is filed, and the proposed method of delivery thereof;
- G. Fingerprints of applicant and names and addresses of at least two reliable property owners within the State of Washington who will certify as to applicant's good character and business responsibility;
- H. A statement as to whether or not applicant has been convicted of any crimes, misdemeanors, or violations of municipal ordinances, the location of the courts where so convicted, the nature of the offenses and punishment or penalty assessed for each;

- I. At time of filing the application, pay the City Clerk a fee of twenty-five dollars (\$25) to cover cost of investigation of applicant;
- J. Shall furnish the City Clerk with a photograph of applicant taken within sixty (60) days immediately prior thereto, to be not less than two inches by two inches (2"x2") in size, showing the head and shoulders of applicant;
- K. Post a bond in the penal sum of one thousand dollars (\$1,000) executed by a surety company or in lieu thereof a cash bond in said amount conditioned upon the making of final delivery of the goods and merchandise ordered or services to be performed in accordance with the terms of this chapter, or failing therein that any sums advanced as payment thereon be refunded; any person aggrieved by the action of any such solicitor or canvasser to have the right of action on said bond for recovery of money or damages or both, and such bond to remain in full force and effect, or in case of cash deposit, such deposit to be retained by the City of Snohomish, in either event, for a period of ninety days after the expiration of any such permit or license unless sooner released on order of the City Council. (Ord. 952, 1964)

5.36.040 Investigation of Applicant – Denial or Issuance of License. On receipt of such application, the City Clerk shall refer the original thereof to the Chief of Police, who shall make investigation of applicant's business responsibility, moral character, and reputation, and if he concludes same to be unsatisfactory shall endorse his findings thereon and return same to the City Clerk who shall notify applicant that no permit or license will be issued, and shall return any cash deposit made pursuant to the above section, except investigation fee. If the Chief of Police finds such

business responsibility, moral character, and reputation of the applicant to be satisfactory, he shall endorse his approval thereon and return the application to the City Clerk who shall, upon payment of the prescribed license fee as herein provided, execute and deliver a license to the applicant accordingly, which license shall contain the signature of the City Clerk, shall show the name, address and attach the photograph of the licensee, and shall specify the class of license issued, the kind of goods or merchandise to be sold or services to be furnished, the amount of the license fee paid, the date of issuance of the license and the length of time same shall be in force, and shall contain a general description of the licensee, and the City Clerk shall keep a permanent record of all licenses so issued. (Ord. 952, 1964)

5.36.050 License Fees. License fees to be charged such applicants shall be at the rate of fifteen dollars (\$15) per year, ten dollars (\$10) per month, or two dollars (\$2) per day and no portion thereof shall be refunded in the event of cancellation thereof as hereinafter provided. (Ord. 952, 1964)

5.36.060 Display of License. Licensee shall be required to exhibit such licenses upon request of any citizen. (Ord. 952, 1964)

5.36.070 Police Enforcement Duties. It shall be the duty of the police officer of the City of Snohomish in charge at the time to require any person seen soliciting or canvassing who is not known to such officer to be duly licensed to produce his license, and the duty of such officer to enforce the provisions of this chapter against any person appearing to be operating in violation thereof. (Ord. 952, 1964)

5.36.075 Denial of Permit – Appeal. Should any applicant for a permit pursuant to this chapter be denied a permit, the applicant shall have the right to appeal the

denial to the City Council by giving the City Clerk written notice of appeal within ten days of the denial. The applicant shall be heard at the next regular meeting of the City Council which falls more than ten days from the date of notice of appeal, and shall be given not less than ten days' notice of the date, time and place for the City Council hearing on the appeal. The City Council may affirm the denial if it finds that the applicant has not complied with the intent of this chapter, but may order the permit issued if it finds that the applicant has complied with the intent of this chapter and that the public peace and welfare would not be endangered by the issuance of the permit. (Ord. 1392, 1978)

5.36.080 Revocation of License – Hearing.

Licenses issued pursuant to this chapter may be revoked by action of the City Council following a notice and hearing thereon for fraud, misrepresentation, or false statements contained in application for such license or made in the course of conducting business as a solicitor or canvasser, or for violation of any provision of this chapter, or for conviction of any crime or misdemeanor involving moral turpitude, or for conducting said business of solicitor or canvasser in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the community.

Notice of hearing shall be given the licensee in writing, setting forth the nature of any complaints made or grounds upon which the hearing is to be had, and the time and place of such hearing, and shall be mailed with postage prepaid thereon by United States mail to the licensee at the address given in his application for license, at least five days prior to date of hearing. (Ord. 952, 1964)

5.36.090 Exemptions.

A. This chapter shall not apply to sales by farmers, gardeners, or other persons of fruits, vegetables, etc., produced, or

manufactured by them within this state as exempted by RCW 36.71.090.

- B. This chapter shall not apply to the dissemination of ideas and/or distribution of literature for religious purposes with or without charge.
- C. This chapter shall not apply to the vendors of newspapers, the chief aim of which is the dissemination of current news, as distinguished from fictional writings.
- D. Unpaid solicitors for religious, charitable, and local community service organizations operated not for profit engaged in the exchange of goods for money will be exempt from subsections (f), (g), (i) and (k) of Section 5.36.030; and licenses shall be granted to them without fee upon their compliance with subsections (a) through (e), (h) and (j) of Section 5.36.030. The licenses shall be valid for a period of six months from the date of issue. Tax exempt status approved by the Internal Revenue Service shall be prima facie proof of nonprofit status, and individuals or organizations claiming this exemption without such tax status shall have the burden of proving their nonprofit character to the City Clerk. (Ord. 1392, 1978)

5.36.100 Penalty for Violations. Violation of this Chapter shall be considered a civil violation pursuant to SMC 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 952, 1964; Ord. 1927, 1999; Ord. 2155, 2008)

5.36.110 City Posting of Signage. The City is authorized to post within the City limits, signs depicting the rules and regulations of this chapter. Such signs may include but are not limited to such language as “No Commercial Solicitation without Permit & License – SMC 5.36/Ord. 952/Ord. 2033.” (Ord. 2033, 2003)