

Chapter 5.08PEDDLERSSections:

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5.08.010 Purpose. The purpose of this chapter is to provide for the licensing and bonding of peddlers and prescribing penalties for the failure to comply with the provisions of this chapter. (Ord. 1330 §1, 1980).

5.08.020 Definitions. When used in this chapter, the following terms shall have the following meanings:

A. "Canvasser" includes any person, whether a resident of the city or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for sale of goods, wares, periodicals, or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not the individual has, carries, or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payments on such orders. Such definition includes any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, apartment, shop or other place within the city for the primary purpose of exhibiting samples and taking orders for future delivery; provided, that those persons soliciting orders for goods to be shipped interstate are not included.

B. "Hawker" includes every person, either as principal or agent, selling or offering for sale any goods, wares, merchandise, articles, things, or personal property of whatever name, nature, or description, by peddling the same from house to house, upon any street, highway, or public place, who shall make public outcry or give any musical or other public entertainment to make any public speech to draw customers or attract notice is defined to be a hawker within

the meaning of this chapter.

C. "Peddler" includes any person, whether a resident of the city or not, 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 exposing the same for sale, or making sales and delivering articles to purchasers.

D. "Transient merchant" includes any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, apartment, shop, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auctions; provided, that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples for the purpose of securing order for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connecting with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. 1330 §2, 1980).

5.08.030 License--Required. It is unlawful for any peddler, hawker, canvasser or transient merchant, as defined in Section 3.04.020 of this chapter to engage in any business within the city without first obtaining a license therefor in compliance with the provisions of this chapter. (Ord. 1330 §3, 1980).

5.08.040 License specifications. A. Applicants for a license under this chapter must file with the city clerk-treasurer a sworn application in writing on a form to be furnished by the city clerk-treasurer which shall give the following information:

1. Name and physical description of the applicant;
2. Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which the proposed sales will be made;
3. A brief description of the nature of the business and the goods to be sold;
4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship;

5. The length of time for which the right to do business is desired;
  6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
  7. A recent photograph of the applicant which shall be approximately two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
  8. The names of at least two property owners of Stevens County, Washington, who will certify as to the applicant's good character and business respectability, or, in lieu of the references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to evaluate properly such character and business responsibility;
  9. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense and the punishment or penalty assessed therefor;
  10. The last cities or villages, not exceed three, where the applicant carried on business immediately preceding the date of application and the addresses from which such business was conducted in those municipalities.
- B. At the time of filing the application, a fee of five dollars shall be paid to the city clerk-treasurer to cover the cost of investigation of the facts stated therein. (Ord. 1330, \$4, 1980.)

5.08.050 Investigation of application—License to be issued when.

- A. The city clerk-treasurer shall institute such investigation of the application for such length of time as he deems necessary and shall be entitled to the assistance of the chief of police; provided, that the period of investigation shall not exceed seven days from the date application is made for such license.
- B. If the result of such investigation is satisfactory, a license shall be issued to the applicant which must be used only by the person to whom issued. (Ord. 1330, \$5, 1980.)

5.08.060 License-Fees. The license fee for any of the licenses required under Section 5.08.030 shall be the sum of ten dollars per day or fifteen dollars per week, or twenty dollars per month, or thirty five dollars per year; provided, that all licenses shall expire at the end of each calendar year, that the application fee of five dollars paid to the City Clerk/Treasurer at the time the application for license is made as set out above shall be deemed to cover costs of investigation and shall in no event be returned even though the license is not granted; also, no credit shall be given on the license fee as set out in this chapter for payment of the application fee. (Ord. 1731, \$4, 2013)

5.08.070 Religious and charitable organizations—Exemptions—Permit issued when. A. Any organization, society, association or corporation desiring to solicit, or to have solicited in its name, money, donations of money or property, or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization upon the streets, in office or business buildings, by house to house canvass, or in public places for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of Sections 5.08.040 and 5.08.060 provided there is filed a sworn application in writing on a form to be furnished by the city clerk-treasurer which shall give the following information:

1. Name and purpose of the cause for which the permit is sought;
2. Names and addresses of the officers and directors of the organization;
3. Period during which solicitation is to be carried on;
4. Whether or not any commission, fees, wages, or emoluments are to be expended with such solicitation and the amount thereof.

B. Upon being satisfied that such organization, association or corporation is a religious, charitable, patriotic or philanthropic organization, the clerk-treasurer shall issue a permit without charge to such organization, association, or corporation to solicit in the city. Such organization, association, or corporation shall furnish all of its members, agents, or representatives conducting solicitation credentials in writing stating the name of the organization, the name of the agent and the purpose of the solicitation. (Ord. 1330, §7, 1980).

5.08.080 Exemptions. The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to the acts of merchants or their employees in delivering goods in the regular course of business, nor shall the terms of this chapter be held to include or apply to any farmer or truck gardener who shall vend, sell or dispose of, or offer to sell, vend or dispose of the products of the farm or garden occupied and cultivated by him. Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court or to prevent any person conducting a bona fide auction sale pursuant to law. Garage sales shall be exempt from the terms of this chapter. (Ord. 1330 § 8, 1980).

5.08.090 Violating--Penalty. Any person who violates any of the provisions of this chapter shall be deemed guilty of a gross misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars. Each and every person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Kettle Falls is committed, continued, or permitted by any such person, and he shall be punished accordingly. (Ord. 1330 §9, 1980).

5.08.100 Nonliability of city. This chapter is intended to be a law of general application for the public at large; it is not intended to impose liability on the part of the city or its employees running to individual members of the public. (Ord. 1330 §10, 1980).

## Chapter 5.12

### PUBLIC DANCES

#### Sections:

- 5.12.010 Hours.
- 5.12.020 Sundays.

5.12.010 Hours. It is unlawful for any person, firm, association or corporation within the corporate limits of the city to conduct any public dance or other type of public entertainment to which the general public is invited or admitted, between the hours of one a.m. and six a.m. or any day; provided, however, that such public dance or entertainment may be conducted at such time is a written permit for same has previously been granted by the city. (Ord. 1137 1/2 §1, 1947).

5.12.020 Sundays. It is unlawful for any person, firm, society, corporation or association within the corporate limits of the city of conduct any public dance to which the general public is invited, or admitted, between the hours of one a.m. and twelve p.m., midnight, Sunday. (Ord. 1147 §1, 1951).