

ORDINANCE NO. 303

AN ORDINANCE regulating and taxing transient merchants, peddlers, hawkers, and canvassers, and prescribing a penalty for violation.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AS FOLLOWS:

SECTION 1: LICENSE REQUIRED. It shall be unlawful for any peddler, hawker, canvasser or transient merchant as defined in section 2 of this ordinance, to engage in any such business within the Town of Yacolt without first obtaining a license therefore in compliance with the provisions of this ordinance.

SECTION 2: DEFINITIONS: When used in this ordinance, the following terms shall have the following meanings:

(a) "Transient merchant" shall include any person, firm or corporation whether as owner, agent, consignee, or whether a resident of the Town of Yacolt or not, who engages in a temporary business of selling, delivering goods, wares and merchandise within said town, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, apartments, shops, or any street, alley, or other place within the town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction 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 orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

(b) "Peddler" shall include any person, whether a resident of the Town of Yacolt 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.

(c) "Hawker" shall include every person, either as principal or agent, selling or offering for sale any goods, wares, or merchandise, articles, things, or personal property of whatsoever 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 or make any public speech to draw customers or attract notice is hereby defined to be a hawker within the meaning of this ordinance.

(d) "Canvasser" shall include any person, whether a resident

of the Town of Yacolt or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take order for the sale of goods, wares or merchandise, including magazines, books, 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 such subject of such orders. Such definition shall include 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 town for the primary purpose of exhibiting samples and taking orders for future delivery.

SECTION 3: EXEMPTIONS. The terms of this ordinance shall not be held to include acts of persons selling personal property at wholesale to dealers, nor to newspaper deliverers, nor to acts of merchants or their employees in delivering goods in the regular course of their business. Nothing contained in this ordinance 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.

SECTION 4: APPLICATION. Applicants for a license under this ordinance must file with the town clerk a sworn application in writing on a form to be furnished by the town clerk which shall give the following information:

(a) Name, permanent home address, telephone number, and social security number.

(b) A brief description of the nature of the business and goods to be sold.

(c) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(d) The length of time for which the right to do business is desired.

(e) The source of supply of the goods or property proposed to be sold, or orders taken for sale thereof, where such goods or property are located at the time said application is filed, and the proposed method of delivery.

(f) Two pieces of picture identification or name of at least two property owners of Clark County, Washington who will certify the applicant's good character and business respectability, or in lieu of such identification or references, other available evidence that will enable an investigator to properly evaluate character and business responsibility.

(g) The last cities, towns, or village, not to exceed three, where the applicant was licensed to carry on business including the addresses from which such business was conducted in those municipalities.

(h) At the time of filing an application, a fee of \$5.00 shall be paid to the town clerk to cover the cost of investigation of the facts stated therein.

SECTION 5: RELIGIOUS AND CHARITABLE ORGANIZATIONS EXEMPTION. Any

organization, society, association or corporation desiring to solicit or have solicited in it's 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 not be exempt from the provisions of section 4 of this ordinance.

SECTION 6: INVESTIGATION AND ISSUANCE. The town clerk shall institute such investigation of said application for such length of time as he/she deems necessary provided the period of investigation shall not exceed 7 days from date of acceptance of application. If the result of such investigation is satisfactory, a license shall be issued to applicant which must be used only by the person to whom issued.

SECTION 7: LICENSE FEES. The license fee required here under shall be a sum of \$5.00 per day, \$10.00 per month, or \$25.00 per year provided that all licenses expire at the end of each calendar year; that the application fee of \$5.00 paid to the town clerk at the time application for license is made shall be deemed to cover costs of investigation and shall in no event be returned even though said license is not granted; also no credit shall be given on license fees as herein set out for payment of said application fee.

SECTION 8: PENALTIES. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five hundred and no/100 dollars (\$500.00) or by imprisonment in county jail not to exceed 90 days or by both such fine and imprisonment.

EFFECTIVE DATE: This ordinance shall be in force and take effect this 2nd day of August, 1988.

AYES Councilmembers- Jolma, Kaski, Grooms, Alexander

NAYES None

ABSENT Councilmember Messer

MAYOR: Jim Worthington **ATTEST** Irene Christensen

I hereby certify that this is a true and correct copy of ordinance 307 as read before the Yacolt Town Council and passed on the date herein mentioned and passed according to law.

Irene Christensen
Irene Christensen
Clerk/Treasurer