



COMMUNITY DEVELOPMENT DEPARTMENT
Code Administration Division
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PEDDLER/SOLICITOR
REGULATORY LICENSE APPLICATION

YMC Chapter 5.56

Fee: \$25.00
 \$12.00 Criminal Background Check

Applicant Info:

First Name: _____ Middle Initial: _____ Last Name: _____
 Home Address: _____ Gender: M _____ F _____
 City: _____ State: _____ Zip: _____
 How Long At This Address: _____
 Applicant's Phone: _____ Alternate Phone: _____
 Applicant's E-mail: _____
 Driver's License Number _____ Expiration Date: _____ State Issued: _____
 Place of Birth: _____ Date of Birth: _____
 Have you ever been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations)? Yes No
 If answered yes, please describe nature of offense or violation, the penalty or punishment imposed, the date when and place where offence occurred and other pertinent details.

Vehicle:

Color: _____ Year: _____ Make: _____ Model: _____
 License Plate #: _____ Additional Description: _____

Business Info:

Brief Description of Business Activity to be Conducted: _____
 Type of Product to Be Sold: _____
 Hours and Locations of where Peddling/Soliciting is desired: _____
 Business Name _____
 Mailing Address: _____
 City: _____ State: _____ Zip: _____
 Physical Location: _____
 Business Phone: _____ Alternate Phone: _____ Fax: _____

Please Provide:

- Written credentials establishing authority to peddle or solicit for business.
- A bond in the amount of \$15,000, All solicitors requiring cash deposits, or taking orders for cash on delivery purchases (C.O.D.), or who require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, shall furnish to the department a bond in the amount of fifteen thousand dollars. (Ord. 96-26 § 6, 1996)
- Color copy of driver's license or ID.
- Payment.

I agree to conduct business in compliance with all of the ordinances of the City of Yakima and the laws of the State of Washington.

Signature: _____ Date: _____

For Office Use Only

Regulatory License #: _____ Amount Paid: \$ _____ Cash Check

Code Administration Manager Approval

Approved Denied Approved with Conditions _____

Signature: _____ Date: _____

Police Department Approval

Approved Denied Approved with Conditions _____

Signature: _____ Date: _____

5.56.010 Definitions.

The following words, terms and phrases, and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Charitable" means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural, religious or fraternal, either actual or purported.

(b) "Contributions" means and includes the words alms, money, subscription, property or any donations under the guise of a loan of money or property.

(c) "Department" means the city of Yakima code administration division.

(d) "Director" means the code administration manager of the city of Yakima or his designee.

(e) "Peddler" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers.

(f) "Peddling" means and includes all activities ordinarily performed by a peddler as indicated under subsection (e) of this section.

(g) "Person" means a natural person or any firm, corporation, association, club, society or other organization.

(h) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

(i) "Solicitation" means and includes all activities ordinarily performed by a solicitor as indicated under subsection (h) of this section.

(j) "Street sales" and "street selling" mean sales, offering for sale or attempted sale of goods, wares, merchandise or services upon the streets, alleys or public thoroughfares of the city of Yakima, but shall not include sales from lawfully placed vending machines. (Ord. 96-26 § 1, 1996; Ord. 2534 § 1, 1981; Ord. B-875 § 1, 1948).

5.56.020 Permit requirements and exemptions.

It shall be unlawful for any person to engage in peddling, solicitation, or street sales activities within the city of Yakima without first obtaining a permit issued by the department; provided, however, that the following are exempted from the provisions of this section.

(a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;

(b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;

(c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person; or

(d) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary;

(e) Sidewalk cafes operating with a lawfully issued permit under Chapter 5.80 of this code;

(f) Persons who are the holder of a valid permit under the provisions of Section [8.52.070](#) of this code when engaged in peddling or street selling of the services of curb number painting;

(g) Street sales as part of a parade or special event when such sales are explicitly authorized by a permit issued pursuant to the provisions of Chapter 9.70 of this code. (Ord. 96-

26 § 2, 1996: Ord. 2534 § 2, 1981: Ord. 2203 § 1, 1978: Ord. B-1668, 1955; Ord. B-875 § 2, 1948).

5.56.022 Permit for charitable and public or private educational organizations.

(a) Charitable groups or organizations and public or private educational institutions may be issued a permit which covers the peddling, solicitation or street sales activities of the charitable group, organization or educational institution.

(b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling, solicitation or street sales activities involving, in whole or in part, a sales force of one or more persons.

(c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.

(d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling, soliciting, or involved in street sales. (Ord. 96-26 § 3, 1996).

5.56.024 Permit application.

(a) Every person subject to the provisions of this chapter shall file with the director an application in writing on a form to be furnished by the department, which shall provide the following information:

(1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;

(2) A brief description of the business or activity to be conducted;

(3) The hours and location for which the right to peddle, solicit, or engage in street sales is desired;

(4) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof. The director shall confirm this information through the Yakima police department;

(6) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter; and

(7) If the applicant is an individual not covered by Section [5.56.022](#), two photographs of the applicant which shall have been taken within sixty days immediately prior to the date of filing of the application. The photographs shall measure three inches by five inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

(b) Any person issued a permit under this section may request a renewal of the permit by mailing a request for renewal, including any updates of information required by this section, to the director at least thirty days prior to the expiration of the current permit. (Ord. 96-26 § 4, 1996).

5.56.026 Fees.

At the time the application is filed with the department, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. The permit fee shall be twenty-five dollars for each solicitor, peddler or street seller. This fee shall be waived for charitable groups or organizations and public or private educational institutions; provided, however, that the charitable group, organization or educational institution maintains a permanent business address in Yakima County. (Ord. 96-26 § 5, 1996).

5.56.030 Bond.

All solicitors requiring cash deposits, or taking orders for cash on delivery purchases (C.O.D.), or who require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, shall furnish to the department a bond in the amount of fifteen thousand dollars. (Ord. 96-26 § 6, 1996).

5.56.040 Application review and permit issuance.

(a) Upon receipt of an application, the director, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

(b) If the director finds the application to be satisfactory, the director shall endorse his approval on the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(c) The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

(d) A record of all permits issued shall be maintained by the department for a period of two years. (Ord. 96-26 § 7, 1996).

5.56.042 Denial of permit.

(a) Upon the director's review of the application, the director may refuse to issue a permit to the applicant under this chapter for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal;

(6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the director that the reasons for such earlier denial no longer exist; or

(7) The applicant's permit has been revoked under Section [5.56.060](#).

(b) The director's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address. (Ord. 96-26 § 8, 1996).

5.56.044 Permit expiration.

All permits issued under the provisions of this chapter shall expire one year from the date of issuance, unless any earlier expiration date is noted on the permit. (Ord. 96-26 § 9, 1996).

5.56.046 Permit exhibition.

Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to do so by any prospective customer, police officer or department employee. (Ord. 96-26 § 10, 1996).

5.56.048 Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or exhibit any permit issued under the provisions of this chapter. (Ord. 96-26 § 11, 1996).

5.56.050 Entry upon signed premises unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import. (Ord. 96-26 § 12, 1996; Ord. 3272 § 1, 1990; Ord. 3028 § 2, 1987; Ord. 2534 § 3, 1981; Ord. 345 § 1, 1962; Ord. B-2162, 1958; Ord. B-875 § 3, 1948).

5.56.051 Limits wherein street selling prohibited.

It is unlawful for any vendor engaged in street selling to sell within two hundred feet of any public park, school or playground; provided, that this section shall not apply to those persons or firms engaged in the primary business of selling and delivering milk or cream on a regularly established route and who sell and deliver other dairy and related products as an incident to the primary business. (Ord. 96-26 § 13, 1996; Ord. 2534 § 4, 1981; Ord. 2203 § 3, 1978; Ord. 345 § 2, 1962).

5.56.052 Hours of solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of nine p.m. and nine a.m. (Ord. 96-26 § 14, 1996).

5.56.053 Unlawful to blockade streets.

It is unlawful for any vendor engaged in street selling to in any manner obstruct, or cause to be obstructed, travel upon any sidewalk, street, avenue, alley or other public place. (Ord. 345 § 3, 1962).

5.56.054 Limits wherein street selling from vehicles prohibited.

It is unlawful for any vendor engaged in street selling to sell from a motor vehicle parked on the street right-of-way or any other public property within the central business district as defined by Section [9.10.010](#) of this code, or any of the following streets within the city of Yakima: Tieton Drive, Summitview Avenue, Yakima Avenue, Lincoln Avenue, Nob Hill Boulevard, Walnut Street east of 11th Avenue, Mead Avenue, 40th Avenue, Englewood Avenue, 32nd Avenue, First Street, 3rd Street, Naches Avenue, 6th Street, Fair Avenue, 5th Avenue between Fruitvale Boulevard and Division Street, and 3rd Avenue between Lincoln Avenue and Queen Anne Street; provided, that this section shall not apply to those persons or firms engaged in the primary business of selling and delivering milk or cream on a regularly established route and who sell and deliver other dairy and related products as an incident to the primary business. (Ord. 96-26 § 15, 1996).

5.56.055 Noise makers regulated.

It is unlawful for any vendor engaged in street selling to utilize any noise maker other than a bell capable of ringing no louder than sixty decibels of sound measured at a distance of fifty feet. (Ord. 345 § 4, 1962).

5.56.060 Permit revocation.

Any permit issued under this chapter may be revoked or suspended by the director, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;
- (b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting street sales solicitation or peddling activities;
- (c) Conducting street sales, peddling, or solicitation activities contrary to the provisions contained in the permit;
- (d) Conviction for any crime involving moral turpitude; or
- (e) Conducting street sales, peddling, or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public. (Ord. 96-26 § 16, 1996).

5.56.062 Notice and hearing.

Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. (Ord. 96-26 § 17, 1996).

5.56.064 Appeals.

(a) Any person aggrieved by the action or decision of the director to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the city manager within fifteen days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.

(b) An appeal shall be taken by filing with the director a written statement setting forth the grounds for the appeal.

(c) The director shall transmit the written statement to the city manager within ten days of its receipt and the city manager shall set a time and place for a hearing on the appeal.

(d) A hearing shall be set not later than twenty days from the date of receipt of the appellant's written statement.

(e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

(f) The decision of the city manager on the appeal shall be final and binding on all parties concerned. (Ord. 96-26 § 18, 1996).

5.56.068 Claims of exemption.

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee, shall cite to the director the statute or other legal authority under which exemption is claimed and shall present to the director proof of qualification for such exemption. (Ord. 96-26 § 19, 1996).

5.56.070 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. B-875 § 9, 1948).

5.56.080 Violations and penalty.

(a) Violation of any of the provisions of this chapter shall be treated as a misdemeanor, and shall, upon conviction, be punishable as set forth in Chapter 6.04 of this code.

(b) In addition to any criminal enforcement, the city or any individual may pursue any available civil remedies deemed appropriate and necessary. (Ord. 96-26 § 20, 1996).