



City of Stanwood

10220 270th Street NW
Stanwood, Washington 98292
Phone: (360) 629-2181
Fax: (360) 629-3009

| Office Use Only | | | |
|-----------------------|-------|----|----|
| Date Received | _____ | | |
| Application Fee | _____ | | |
| Proof of Insurance: | Yes | No | NA |
| Copy of Drs. License: | Yes | No | NA |
| Food Handler Permit: | Yes | No | NA |
| Approved: | Yes | No | |
| Approved by | _____ | | |

Peddler/Solicitor License Application

Definition: Peddler means any person, either as agent or principal, who carries goods, wares, merchandise or food of whatever nature or description from house to house, building to building or upon any street, highway or public place within the city for the purpose of selling such goods, wares or merchandise or soliciting orders for the same. Exempt from this definition are newspapers.

Definition: Solicitor for profit includes any person who goes or communicates from house to house, from place to place, or from street to street, soliciting or taking, or attempting to take orders for the sale of goods, 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 such individual has, carries, or exposes for sale a sample of the subject of such order, or whether or not he is collecting advance payment on such order, or who in such matter, requests information which, to a reasonable person, appears calculated to ultimately result in the solicitation of orders for merchandise or services to be rendered of any nature.

Submit application packet at least thirty (30) days prior to the activity for review and processing with the following items:

- License Fee: **\$20.00 per person or \$45.00 for Charitable Organizations (SMC 5.08.010)**
- Proof of current City of Stanwood Business License
- Copy of valid driver's license for each solicitor/peddler
- Proof of a minimum of \$500,000 public liability and property damage insurance which shall include product liability coverage, naming the city as an additional insured.

Other fee deposits or permits may apply. Reimbursements to City for services incurred costs may also apply.

The city may investigate the background of any solicitor, temporary merchant, vendor, and/or peddler for the protection of the public health, safety and welfare.

Applicant Information

Applicant's Name: _____

Applicants Physical Description: _____

Mailing Address: _____

Telephone: _____ Cell: _____

Email: _____

Business Information

If Agent or Employee, Name and Address of Employer: _____

Brief Description of Business: _____

Goods or Services to be Sold or Solicited: _____

Will food products be sold: Yes: _____ No: _____

If yes, provide a copy of your current food handler's permit from Snohomish County Health Department.

Vehicle Information

Copy of Drivers License for each person peddling/soliciting is required.

Description of Vehicle (if used): _____

Registered Owner Name and Address: _____

Vehicle License Number: _____ Date Issued: _____

Agreement

The applicant shall defend, indemnify and hold harmless the City of Stanwood, its officers, officials, employees and volunteers, while acting within the scope of their duties, from any and all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization's employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

Signature of Applicant

Organization/Title

Date

(FOR OFFICIAL USE ONLY)

Community Development

APPROVED Yes ___ No ___ Tentative ___ Signature _____

Comments: _____

Police Department

APPROVED Yes ___ No ___ Tentative ___ Signature _____

Comments: _____

Public Works Department

APPROVED Yes ___ No ___ Tentative ___ Signature _____

Comments: _____

**Stanwood Municipal Code Chapter 5.08
PEDDLERS, VENDORS AND TEMPORARY MERCHANTS**

Sections:

- 5.08.010 Definitions.
- 5.08.020 Application process and exemptions.
- 5.08.030 License approval, appeals and exemptions.
- 5.08.040 Special conditions – Mobile unit vendors.
- 5.08.050 License fees and terms.
- 5.08.060 License revocation/denial.
- 5.08.070 Site requirements.
- 5.08.080 Temporary merchant/vendor general requirements.
- 5.08.090 Responsibilities.
- 5.08.100 Penalty for violation.

5.08.010 Definitions.

In construing the provisions of this chapter, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied:

- (1) "Temporary merchant" or "concessionaire" includes any person who sells, or offers for no charge, any goods, wares, merchandise, food or anything of value, for a period in excess of one day and no more than 15 days in any one location, except from within a permanent building they own or lease. The provisions of this chapter shall not apply to public officers selling property under authority of law and to persons selling property under court order.
- (2) "Permanent building" means a structure constructed on a permanent foundation, and hooked up to city water, sewer, and drainage. Permanent structures must also have restrooms and washing areas.
- (3) "Peddler" means any person, either as agent or principal, who carries goods, wares, merchandise or food of whatever nature or description from house to house, building to building or upon any street, highway or public place within the city for the purpose of selling such goods, wares or merchandise or soliciting orders for the same. Exempt from this definition are newspapers.
- (4) "Vending of food from a mobile unit" means the vending of edible merchandise from a mobile unit traveling city streets for the purpose of selling edible merchandise. Exempt from the meaning of this definition shall be those mobile units used specifically for the delivering only of food pursuant to orders taken at an established place of business. Also exempt from this definition are: meals on wheels and food basket or hot food delivery, by churches or other not-for-profit charitable organizations, to the elderly, sick or physically challenged.
- (5) "Solicitor for profit" includes any person who goes or communicates from house to house, from place to place, or from street to street, soliciting or taking, or attempting to take, orders for the sale of goods, 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 such individual has, carries, or exposes for sale a sample of the subject of such order, or whether or not he is collecting advance payment on such order, or who in such matter requests information which, to a reasonable person, appears calculated to ultimately result in the solicitation of orders for merchandise or services to be rendered of any nature.
- (6) "Charitable" means any charitable, religious or nonprofit organization or corporation which has received tax exempt status under IRC 501(C)(3), 26 USCA 501(C)(3) as adopted or as hereafter amended. A copy of said tax exemption will be filed with the city clerk.
- (7) "Solicit" and "solicitation" mean the request, directly or indirectly, for money, credit, property, financial assistance or other thing of value on the plea or representation that such will be used for a charitable purpose as hereafter defined. "Solicit" and "solicitation" shall include the following methods of requests, collections or receipts:
 - (a) Any oral or written request;
 - (b) The sale of, offer or attempt to sell any change, coupon, device, tag, emblem, ticket, book, card, magazine, membership, merchandise, subscription, advertising space or other thing in connection with which an appeal is made for a charitable purpose or any statement is made that the whole or any part of the proceeds from such sale will be donated to or will go to a charitable purpose. (Ord. 1313 § 2, 2012; Ord. 932, 1996).

5.08.020 Application process and exemptions.

License applications under this chapter shall be made to the city clerk on forms prescribed by that office. The application must be filed at least 30 days prior to the commencement of the activity proposed. All applications will be reviewed by the police, public works, and planning departments and such other department(s) as determined necessary by the city clerk. The information on the application shall include, but not be limited to, the following:

- (1) Name and physical description of the applicant;
- (2) Local address where all notices may be mailed to the applicant;
- (3) Phone number where the applicant may be reached;
- (4) A brief description of the nature and method of the business, and goods to be sold, or services solicited or provided;
- (5) If an agent or employee, the name and address of the principal or employer;

- (6) If a vehicle is to be used, a description of the vehicle, the name of the person or company to whom the vehicle is registered, together with vehicle license number or other means of identification;
- (7) A copy of a current valid driver's license;
- (8) For any permit where handling of food is involved, applicant should supply a copy of the current foodhandlers permit from the Snohomish County health department;
- (9) License applications for special events are exempt from this section and shall be permitted as provided in Chapter 5.06 SMC. (Ord. 1313 § 2, 2012; Ord. 932, 1996).

5.08.030 License approval, appeals and exemptions.

- (1) On the receipt of an application with appropriate license fee, the city clerk shall prepare and deliver to the applicant a license, which shall require the approval signature of the city clerk, and all other appropriate city department heads. The application must show:
 - (a) The name, address and telephone number of the applicant;
 - (b) The kind of goods to be sold or solicited to be sold;
 - (c) Amount of fee paid;
 - (d) Date of issuance;
 - (e) Duration of license;
 - (f) License number, registered ownership, identifying description of any vehicle to be used by the licensee;
 - (g) Current driver's license number and state of issuance of license of any driver's license displayed by the licensee.
- (2) The city may investigate the background of any temporary merchant, vendor, and/or peddler for the protection of the public health, safety and welfare.
- (3) In the event the police chief determines that a police officer should be in attendance at any temporary sales event, the cost to cover the salary of the extra officer shall be paid by the sponsor/promoter.
- (4) The city clerk shall keep a permanent record of all licenses issued.
- (5) If the license is denied, for reasonable cause, any license fee previously paid shall be retained by the city to defray costs of investigation.
- (6) As a condition precedent to the issuance of a license to conduct business as a temporary merchant under this chapter, an applicant must obtain and retain a minimum of \$500,000 public liability and property damage insurance, which shall include product liability coverage, naming the city as an additional insured.
- (7) Appeals. Any person aggrieved by the denial of an application, or revocation of a license, may appeal the decision to the hearing examiner within 14 days after notice of the action.
 - (a) Appeals shall be made in writing and shall set forth fully the grounds for the appeal.
 - (b) Appeals shall be delivered to the city clerk by 5:00 p.m. of the last day of the appeal period.
 - (c) The city shall give public notice of a public hearing as required by Chapter 1.08 SMC. The decision and order of the hearing examiner on such appeal shall be final and conclusive.
- (8) It is lawful for any farmer, gardener or other person, without license, to sell, deliver or peddle any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person. Such persons are specifically exempt from payment of license fees under the provisions of this chapter. Claim for such exemption must be made by application and approved through the city clerk. (Ord. 1313 § 2, 2012; Ord. 932, 1996).**5.08.040 Special conditions – Mobile unit vendors.**

(1) A vendor from a mobile unit shall not use radios or any other sound devices to attract public attention unless in accordance with Chapter 9.50 SMC.

(2) The vendor shall provide, for public use, a receptacle of adequate size on said unit for the deposit of refuse. Appropriate recycling containers shall also be provided.

(3) The owner or operator of such mobile unit vending or peddling edible food shall fully comply with any and all federal, state, county and city laws regarding the purity of such food and the cleanliness of such unit.

(4) Mobile units must be 200 feet from a similar existing and stationary business.

(5) Insurance, as required by SMC 5.08.030(6), shall be required. (Ord. 1313 § 2, 2012; Ord. 932, 1996).

5.08.050 License fees and terms.

(1) Temporary Merchants. The fee for a temporary merchant's license shall be as listed in SMC 3.30.090. This license shall not exceed 15 days in duration. A temporary merchant's license will be issued only twice in a 12-month period, and the two permits shall not be issued consecutively. Approved vending carts that can be moved daily by hand and are co-located with a store are exempt from this requirement provided the temporary merchant vending cart is approved by the property owner or leaseholder of record and the store has approved restrooms and sanitary facilities that are available to the customers of the vending cart.

(2) Peddlers and Solicitors. The fee for a peddler's license shall be as listed in SMC 3.30.090. The fee shall be per peddler, and shall not be prorated for any part of a license year.

(3) Mobile Unit Vending. The license fee for mobile unit vending shall be as listed in SMC 3.30.090.

(4) Charitable Solicitations. The license fee for charitable solicitations shall be as listed in SMC 3.30.090. A license for service clubs, churches, schools and other not-for-profit organizations will be issued for a one-year time period, which will begin on January 1st of each year and not be prorated. The organization sponsoring the solicitation shall secure the license.

(5) Temporary merchants, peddlers, mobile vendors and charitable solicitors shall post a copy of the issued license on the premises of sales, or for mobile sales or solicitors, upon their equipment or upon their person. In addition, each charitable solicitor shall carry proper credentials identifying him/herself and the sponsoring organization. (Ord. 1313 § 2, 2012; Ord. 932, 1996).

5.08.060 License revocation/denial.

(1) License Revocation. Licenses issued under this chapter may be revoked by the city administrator after notice for:

- (a) Fraud, misrepresentation or false statement contained in the application or in the course of carrying out the licensee's business; or
- (b) Any violation of this chapter; or
- (c) Conducting business in any unlawful manner or in such a manner as constituting a breach of the peace or disorderly conduct, or in such manner to constitute a menace to the health, safety or general welfare of the public.

(2) License Revocation. Notice of revocation of a license shall be given in writing setting forth the grounds for the revocation. Notice shall be mailed to the licensee, certified mail, return receipt requested, addressed to the address set forth on the license application.

(3) Denial. Applications for peddlers, vendors and temporary merchants may be denied based on the following findings:

- (a) The application contains incomplete or false information;
- (b) The applicant for a temporary merchant fails to provide proof of insurance;
- (c) The applicant fails to obtain local, county, state and federal permits as required;
- (d) The activity as proposed cannot reasonably be conducted in a way that promotes and protects the general public welfare or is determined to constitute a menace to the public health, safety or welfare. (Ord. 1313 § 2, 2012; Ord. 932, 1996).

5.08.070 Site requirements.

(1) Private Property. No person shall conduct business under this chapter on private property without written permission from the property owner.

(2) Site Plans. Any person applying for a license under this chapter to conduct business for more than one day at any one location shall provide a site plan of the business location and such other plans or drawings as the city may require for approval. All site plans must be reviewed and approved by the community development director or designee. (Ord. 1313 § 2, 2012; Ord. 932, 1996. Formerly 5.08.080).

5.08.080 Temporary merchant/vendor general requirements.

Any person seeking a vendor's license as defined in SMC 5.08.010 and 5.08.020 shall comply with the following requirements:

- (1) All advertising shall be on the unit and will not be allowed on the street or sidewalk.
- (2) The site must be kept clean and orderly at all times and the vendor must provide a refuse container if their merchandise generates refuse.
- (3) The city reserves the right to limit the number of sites allowed in any given area.
- (4) If located on a sidewalk, a minimum usable and unimpaired sidewalk clearance of five feet shall be maintained by any street vendor.
- (5) If a temporary merchant vendor is located on a street, the operation shall be oriented to the pedestrians on the sidewalk and not the vehicular traffic, if such exposure would interfere with the traffic flow.
- (6) Vendors are prohibited in parks unless approved as part of a special event permit.
- (7) Vendors are prohibited within the SR-532 right-of-way.
- (8) Vendors shall comply with all parking requirements as listed in Chapter 17.105 SMC.
- (9) Vendors shall comply with all city, county, state and federal regulations regarding food handling.
- (10) Temporary merchants and vendors shall comply with all applicable requirements of SMC Title 17, Zoning. (Ord. 1313 § 2, 2012; Ord. 932, 1996. Formerly 5.08.090).

5.08.090 Responsibilities.

The issuance of a license herein provided for shall not relieve the licensee from securing any other license(s) required by state, federal, county or city law. (Ord. 1313 § 2, 2012; Ord. 932, 1996. Formerly 5.08.100).

5.08.100 Penalty for violation.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1313 § 2, 2012; Ord. 1112 § 2, 2001; Ord. 932, 1996. Formerly 5.08.110).