

## CITY OF COSMOPOLIS

### ORDINANCE NO 1386

AN ORDINANCE PERTAINING TO PEDDLERS; AMENDING CHAPTER 5.32 TO ADD A NEW SECTION 5.32.030 TO THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

**SECTION 1.** Chapter 5.32 of the Cosmopolis Municipal Code is hereby amended, to read as follows:

#### **Chapter 5.32 - PEDDLERS**

##### **5.32.010 - License fee.**

Any person, firm or corporation engaged in the business of peddling within the city, shall pay the city a license fee the amount of which shall be set by fee resolution of the city council.

##### **5.32.020 - Peddler defined—Exceptions.**

All persons who offer to sell wares, goods or merchandise, on order for future delivery, or otherwise, by traveling from place to place in the city, shall be regarded as peddlers under this chapter, provided, however, that it is lawful for any farmer, gardener, or other person without license to sell, deliver or peddle fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person, provided, further, that regular commercial travelers, employed by wholesale houses, selling goods, wares or merchandise to merchants in the city, and any person peddling newspapers or magazines shall not be deemed to be within the meaning of this chapter.

##### **5.32.030 – Violations and enforcement – Penalties**

Any violation of this chapter shall be enforced as provided in this section. Each date, or portion thereof, during which any violation of this chapter occurs shall constitute a separate violation.

- (1) Civil Infraction. A business, licensee, or person who violates any provision of this chapter commits a Class 1 civil infraction, as set forth in RCW 7.80.120(1)(a), as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be issued by law enforcement officers, filed in the Cosmopolis Municipal Court, and shall be processed in the same manner as other civil infractions filed in the Cosmopolis Municipal Court. If a business, licensee, or person cited for failure to obtain a business license appears before the Cosmopolis Municipal Court and provides written evidence that he or she obtained a business license prior to the adjudication of the infraction, the monetary penalty shall be reduced to \$100 and the court may also assess administrative costs of \$25. The court administrative costs shall be in lieu of the statutory assessments referenced in RCW 7.80.120.
- (2) Criminal Violation. A person who knowingly commits a repeat violation of this chapter, is guilty of a misdemeanor, punishable by up to the maximum penalty established in

RCW 9A.20.021(3), as now or hereafter amended. For purposes of this section, repeat violation means that a prior violation of this chapter has been committed by the same business, licensee, or person within a five-year period. To constitute a repeat violation, the violation need not be the same violation as the prior violation.

- (3) Injunction. In addition to or as an alternative to any other enforcement or penalty provided for in this chapter, and because a violation constitutes an actual injury to the community, the city may seek injunctive or other equitable relief to prevent an activity in violation of this chapter.
- (4) Collections. Any license fee or penalty due, unpaid, and delinquent under this chapter shall constitute a debt to the city. The city may, pursuant to RCW 19.16 RCW, use a collection agency to collect unpaid license fees or penalties, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

PASSED AND APPROVED this 20<sup>TH</sup> day of September, 2023

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Mayor

Attest:

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Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1386 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 20<sup>th</sup> day of September, 2023.

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Finance Director