

EXHIBIT A

Medina Municipal Code Chapter 5.10 Peddler and Solicitation Activities

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5.10.010 Definition of peddler and solicitor.

A peddler and/or solicitor are interchangeable labels and each is defined as follows:

- (1) All persons, both principals and agents, as well as employers and employees, who shall sell, offer for, or expose for sale, or who shall trade, deal or traffic in any personal property or services in the City by going from house to house or from place to place or by indiscriminately approaching individuals.
- (2) Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers are embraced within subsection (1) of this section; provided, however, that this chapter is not applicable to any salesperson or canvasser who solicits trade from wholesale or retail dealers in the City.
- (3) Any person, both principals and agents, as well as employers and employees, who, while selling or offering for sale, any goods, wares, merchandise, or anything of value, stands in a doorway or on any unenclosed vacant lot, parcel of land, or in any other place not used by such person as a permanent place of business.

5.10.020 Permit required – Exemptions.

- (1) No person, corporation, partnership, or other organization shall engage in the business or activity of peddler within the City limits without first obtaining a permit as provided in this chapter. If an individual is acting as an agent for or employed by an individual, corporation, partnership, or other organization, both the individual and the employer or principal for whom the individual is peddling must obtain a permit as provided in this chapter.

(2) The following persons are eligible for an exemption to the permit requirements and/or fee provisions of this chapter as stated below:

(a) Farmers who peddle agricultural, horticultural or farm products which they have actually grown, harvested or produced;

(b) Any person who is specifically requested to call upon another for the purpose of displaying goods, literature or giving information about any article, service or product;

(c) Charitable, religious, or nonprofit organizations or corporations which have received tax exempt status under Section 26 USC 501(c)(3) or other similar civic, charitable, or nonprofit organizations;

(d) Newspaper carriers; provided, however, that any such person must first apply for an exemption on forms to be furnished by the Medina Police Department. Upon determination by the Medina Police Department that such person is exempt from the permit requirements of this chapter, a special permit shall be issued which must be carried by the person at all times the person is engaging in peddling in the City;

(e) Bona fide candidates, campaign workers, and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency;

(f) Pursuant to RCW 73.04.050, every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state, shall not have to pay a fee for the permit.

5.10.030 Permit – Application.

(1) Applicants for a permit under this chapter shall file with the Medina Police Department a sworn application in writing on a form to be furnished by the Medina Police Department.

(2) Individuals who are employed by or acting as an agent for another individual, corporation, partnership, or other organization shall provide the following information on the application:

(a) Name, date of birth and description of the applicant;

(b) Address and telephone number;

(c) A brief description of the nature of the business and the goods or services to be sold;

(d) If employed or acting as an agent, the name and address of the employer or principal, together with a description of the exact relationship with the principal or employer;

(e) If a vehicle is to be used, a description of the same, including the license number;

(f) A photograph of the applicant, taken within 60 days immediately prior to the date of filing the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(g) A statement as to whether or not the applicant has been convicted of any crime within the past 10 years, including misdemeanors or violations of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor; and

(h) Such other information as may be required by the Medina Police Department.

(3) Any individual, corporation, partnership, or other organization which acts as the principal or employer for individual peddlers shall provide the following information on the application:

(a) The applicant's name, address and telephone number, and the names and addresses of all individuals who are employed by or acting as an agent for the applicant;

(b) If a corporation, the names, addresses and telephone numbers of the corporation's board of directors, principal officers, and registered agent; provided, however, that the Medina Police Department may waive any portion of this requirement when disclosure would be unduly burdensome;

- (c) If a partnership, the names, addresses and telephone numbers of the partners;
- (d) A list of any criminal convictions during the past 10 years for the applicant, any owners of the business, and if a corporation, the board of directors and officers;
- (e) The name, address, and telephone numbers (business and home) of the individual, as applicable, acting as the manager for the applicant;
- (f) A list of all other cities, towns, and counties where the applicant has obtained a peddlers permit or similar permit within the past five years; and
- (g) Such other information as may be required by the Medina Police Department.

[if deleting this, then not necessary to list fee exemption in 5.10.020.2.f.] **5.10.040 Investigation of applicant – Issuance and denial of permit.**

(1) The Medina Police Department shall determine the accuracy of the information contained in the application and conduct a criminal history background investigation of the applicant.

(2) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Medina Police Department shall issue the permit to the applicant. The Medina Police Department shall deny the applicant the permit if the applicant has:

- (a) Committed any act consisting of fraud or misrepresentation;
- (b) Committed any act which, if committed by a permit holder, would be grounds for suspension or revocation of a permit;
- (c) Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to the occupation of peddler, including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
- (d) Been refused a permit under the provisions of this chapter; provided, however, that any applicant denied a permit under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; or
- (e) Made any false or misleading statement in the application.

(3) The denial of a permit to an individual, corporation, partnership or other organization which serves as the employer or principal for individual peddlers shall be a sufficient basis to deny a permit to the individual applicants who are employed by or acting as an agent for the applicant.

5.10.050 Permit – Exhibition.

Peddlers are required to exhibit their permit at the request of any citizen or police officer.

5.10.060 Permit – Expiration.

All permits issued pursuant to this chapter are nontransferable and shall be valid only for the duration as requested by the applicant – not to exceed two weeks. At the termination of two weeks, the applicant must reapply for an additional, separate permit via the process outlined in this ordinance if continuation of peddler activities is desired.

5.10.070 Permit – Revocation.

(1) Permits issued pursuant to this chapter may be revoked by the Medina Police Department after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application for permit;
- (b) Fraud, misrepresentation, or false statement made in the course of carrying on the business as peddler;

(c) A violation of this chapter;

(d) Conviction after submission of the application for a peddler's permit of a felony or misdemeanor directly relating to the occupation of peddler, including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud, or misrepresentation; or

(e) Conducting the business of peddling in any unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, and general welfare of the public.

(2) The revocation of any permit held by an individual, corporation, partnership or other organization which serves as the employer or principal for individual peddlers shall constitute a basis for revoking the permits issued to individual applicants who are employed by or acting as agents for such individual, corporation, partnership, or organization.

(3) The revocation of a permit for three or more persons who are employees or agents of an individual, corporation, partnership or organization shall constitute a basis for revoking the permit issued to the employer or principal, as well as the permits issued to all other employees or agents of that employer or principal.

(4) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. In addition, it shall state that the peddler's permit shall be suspended pending the outcome of said hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his or her last known address at least 10 days prior to the date set for hearing. If the permit holder is an individual, corporation, partnership or organization which employs or serves as the principal for individual permit holders, the notice shall also be mailed to the individual permit holders thereof.

5.10.080 Right of appeal.

Any person aggrieved by the action of the Medina Police Department in the denial of an application for permit or in the decision to revoke a permit as provided in this chapter shall have the right to appeal to the City hearing examiner in accordance with the procedures set out in MMC Chapter 2.72.

5.10.090 Loud noises or speaking devices.

No peddler, nor any person on the peddler's behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which such peddler proposes to sell.

5.10.100 Use of streets.

No peddler shall have any exclusive right to any location in the public streets or public places, nor be permitted a stationary location, nor be permitted to operate in any congested area where operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

1.10.110 Hours and notice.

(1) All peddlers shall notify the Medina Police Department at least two hours before any peddling activities are to be conducted. If peddling activities will take place on a Friday, Saturday, or Sunday the peddler shall notify the Medina Police Department that such activities are going to occur by close of business on the Thursday prior.

(2) No person shall engage in the business of peddler during the following hours:

- (a) October 1st through April 30th, between 6:00 p.m. and 10:00 a.m. of any day.
- (b) May 1st through September 30th, between 8:00 p.m. and 10:00 a.m. of any day.

5.10.120 Records.

The Medina Police Department shall maintain a record for each permit issued and record the reports of violations therein.

5.10.130 Unlawful to peddle or solicit on posted premises.

It is unlawful for any uninvited peddler to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence or dwelling at which a sign bearing the words "No Peddlers or Solicitors" (or words of similar import indicating that peddlers or solicitors are not wanted on said premises) is painted, affixed, or otherwise exposed to public view.

5.10.140 Violation – Penalty.

- (1) Criminal Penalties. Violation of any of the provisions of this chapter or failure to comply with any of the provisions of this chapter shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or by both. Any such violation of any provisions of this chapter shall also be grounds for revocation of a license previously approved.
- (2) Civil Penalties. Any person who fails to comply with the provisions of this chapter is, in lieu of or in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues.
- (3) Other Legal Remedies. Nothing in this chapter limits the right of the Medina Police Department to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct, or discourage unlawful acts under or in violation of this article.

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