

EXHIBIT A
Medina Municipal Code
Chapter 5.10
Peddler and Solicitation Activities

Sections:

- 5.10.010 Definition of peddler and solicitor.
- 5.10.020 Permit required – Exemptions.
- 5.10.030 Permit – Application.
- 5.10.040 Investigation of applicant – Issuance and denial of permit.
- 5.10.050 Permit – Display.
- 5.10.060 Permit – Expiration.
- 5.10.070 Permit – Revocation.
- 5.10.080 Right of appeal.
- 5.10.090 Loud noises or speaking devices.
- 5.10.100 Use of streets.
- 5.10.110 Hours and notice.
- 5.10.120 Records.
- 5.10.130 Unlawful to peddle or solicit on posted premises.
- 5.10.140 Violation – Penalty.

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5.10.010 Definition of peddler and solicitor.

(1) A peddler and/or solicitor are interchangeable labels under this chapter and each is defined as follows:

(a) 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.

(b) 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.

(c) 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.

(2) Minor children, including legal minor wards, of City residents (collectively "children") may operate a traditional lemonade stand without falling within the definition of peddler or solicitor set forth above provided each of the following criteria are met:

- (a) The lemonade stand is located on the children's residential property and is near or immediately adjacent to public right-of-way;
- (b) The lemonade stand is a temporary assemblage (desks, cardboard, etc.) which may be quickly and easily assembled and removed without causing damage to or resulting in any permanent change to the adjacent land, landscaping, structures, streets, roads, or sidewalks;
- (c) The lemonade stand is not operated for longer than 5 consecutive hours;
- (d) The lemonade stand is under adult supervision;
- (e) The lemonade stand does not interfere with or cause dangerous conditions affecting pedestrians or the public rights-of-way, sidewalks, roads and streets.

The intent of this section is to enable traditional family lemonade stands to be operated during the summer time for family fun and teaching purposes and without the application of the City's peddler and solicitor regulations. **5.10.020 Peddler Permit required – Exemptions.**

(1) No person, corporation, partnership, or other organization ("entity" or "entities") 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 and entities are eligible for an exemption to the permit and/or fee provisions of this chapter as stated below. Exemptions must be claimed using the form provided by the Medina Police Department.

(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).

(d) Newspaper carriers. Upon determination by the Medina Police Department that such carrier is exempt from the permit requirements of this chapter, an exemption letter shall be issued which must be carried by the carrier at all times the carrier is engaging in newspaper carrier activities in the City.

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

(f) 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 be required to pay a fee for the permit issued under this chapter provided they comply with RCW 73.04.050 and RCW 73.04.060.

5.10.030 Peddler Permit – Application.

(1) Each person or entity required to obtain a permit under this chapter shall file with the Medina Police Department a sworn application in writing using the application 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 of the applicant.
- (c) A brief description of the nature of the business and the goods or services to be peddled or 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 employer or principal.
- (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 photograph shall be two inches by two inches in size and shall show 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.
- (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 to, of, or for one or more 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 in the City.
- (b) If a corporation, the names, addresses and telephone numbers of the corporation's board of directors, principal officers, and registered agent; provided 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 thereof.
- (d) A list of all criminal convictions during the past 10 years for the applicant, all owners of the business, and if a corporation, its board of directors and officers.
- (e) The name, address, and telephone numbers (business and home) of the individual(s) acting as the manager of or for the applicant.
- (f) A list of all other cities, towns, and counties where the applicant has obtained (or has been denied) a peddler permit or similar permit within the past five years.
- (g) Such other information as may be required by the Medina Police Department.

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 a requested 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 previously refused a permit under the provisions of this chapter; provided 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 are no longer applicable; or
- (e) Made any false or misleading statement in the application.

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

5.10.050 Permit – Display.

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 requested by the applicant, which duration shall not exceed two weeks. At the termination of every permit, the applicant must reapply for an additional, separate permit via the process outlined in this chapter if continuation of peddler activities within the City 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 activities as peddler.
- (c) A violation of this chapter.
- (d) After submitting the application for a peddler's permit, the applicant is convicted of a felony or misdemeanor directly relating to the occupation or activities of peddler, including but not limited to felonies or misdemeanors involving moral turpitude, fraud, or misrepresentation.
- (e) Conducting the business or activities of peddling in any unlawful manner; or in such a manner as to constitute a breach of the peace; or in such a manner as 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, shall set forth specific grounds of the complaint or alleged violation, shall state the time and place of hearing, and 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 name and be mailed to the individual permit holders thereof.

5.10.080 Right of appeal.

Any person or entity 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, rights-of-way 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.

5.10.110 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 of such activities prior to the close of business on the preceding Thursday.

(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 all reports of violations therein.

5.10.130 Unlawful to peddle or solicit on posted premises.

It is unlawful for any uninvited peddler to (i) ring the bell, or (ii) knock on the door, or (iii) otherwise attempt to gain admittance for the purpose of peddling at any residence or dwelling at which a sign bearing the words “No Peddlers or Solicitors” (or bearing words of similar import) 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 provision of this chapter shall also be grounds for revocation of a permit 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 chapter.

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