

ORDINANCE NO. 004/2012

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING TITLE 5 OF THE MONROE MUNICIPAL CODE BY RE-ENACTING CHAPTER 5.08 MMC SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS; ADOPTING UPDATED REGULATIONS GOVERNING DOOR-TO-DOOR COMMERCIAL SOLICITATIONS; ESTABLISHING REGULATORY DEFINITIONS, STANDARDS OF CONDUCT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City desires to update and amend its solicitation regulations in order to clarify applicable standards of conduct and to ensure compliance with relevant constitutional requirements; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Reenactment of Chapter 5.08 MMC. Chapter 5.08 of the Monroe Municipal Code is reenacted to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.


Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall be in full force and effect thirty (30) days after final passage.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 21st day of February, 2012.

1st Reading: 2/7/12
2nd Reading: 2/21/12
Published: 2/28/12
Effective: 3/22/12

CITY OF MONROE, WASHINGTON:


Robert Zimmerman, Mayor

APPROVED AS TO FORM:


J. Zachary Lell, City Attorney

ATTEST/AUTHENTICATED:

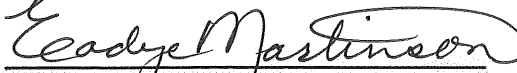

Eadye Martinson, Deputy City Clerk

Exhibit A

SOLICITORS, PEDDLERS, AND TRANSIENT MERCHANTS

Sections:

5.08.010	Definitions.
5.08.020	Registration required.
5.08.030	Identification.
5.08.040	Hours of operation.
5.08.050	Compliance with anti-solicitation signage.
5.08.060	Use of streets, parks, or rights-of-way.
5.08.070	Exemptions.
5.08.080	Enforcement and penalties.

5.08.010 Definitions.

A. "Peddler" means any person with no fixed place of business who goes from house to house, from place to place, or from state to state, carrying or transporting services, goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers.

B. "Solicitor" means any person who goes from house to house, from place to place, or from state to state, soliciting, taking, or attempting to take orders for any goods, wares, or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever, including any services for future delivery.

C. "Transient merchant" means any person, firm, or corporation who engages temporarily in the business of selling and delivering services, goods, wares, or merchandise within the city, and who, in furtherance of such purposes, hires, leases, uses, or occupies any building, structure or vacant lot, motor vehicle, or trailer.

5.08.020 Registration required.

A. It is unlawful and a public nuisance for any person to operate within the city as a peddler, solicitor or transient merchant or to otherwise call upon residences without the previous consent of the occupant for purposes of soliciting orders, sales, subscriptions, or business commercial information without first having registered in the office of the city clerk. The applicant shall provide a written signed application stating:

1. The name, address, telephone number, and contact person for the principal applicant;
2. The nature of the products or services involved, the names of the manufacturers, if any;

3. The proposed method of operation in the city;
4. A list of persons who will solicit or canvass in the city, including each person's name, contact address, and telephone number, a general description of each person; and
5. Any other information reasonably required by the city.

B. All applicants under subsection (A) shall pay in advance a registration fee to reasonably reimburse the City its expenses in processing the application. The amount of the registration fee shall be established by separate City Council resolution or ordinance.

5.08.030 Identification.

No peddler, solicitor or transient merchant shall conduct business within the city limits without possession of a valid copy of his/her registration certificate pursuant to this chapter.

5.08.040 Hours of operation.

Peddlers and solicitors shall not operate within the city limits of Monroe between the hours of 9:00 p.m. and 8:00 a.m. without a prearranged appointment.

5.08.050 Compliance with anti-solicitation signage.

A. The posting or display of a legible sign near the front entrance, gateway, walkway or other conspicuous area of any private residence within the city, bearing the words, "No Agent," "No Peddlers," "No Solicitors," "No Trespassers," or words of similar import, by the owner, owners, occupant or occupants thereof, shall be a good and sufficient legal warning to any peddler, solicitor or transient merchant not to trespass or go in, upon or onto the premises so posted for the purpose of soliciting orders for the sale of goods, wares and merchandise, or disposing of, peddling, hawking, demonstrating or exhibiting the same.

B. It is a violation of this chapter and a public nuisance for any person to willfully enter and/or remain upon any premises so posted for such purposes, without having been requested or invited so to do by the owner or owners, occupant or occupants of such premises.

5.08.060 Use of streets, parks, or rights-of-way.

No peddler, solicitor or transient merchant shall have any exclusive right to any location in the public streets, parks, nor public rights-of-way, 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 reasonable judgment of a law enforcement officer, exercised in good faith, shall be conclusive as to whether the area is congested or the public impeded or inconvenienced.

5.08.070 Exemptions.

Except where noted the following shall be exempt from all provisions of this chapter:

1. Officers or employees of the city, county, state, or federal government, or any subdivision thereof when on official business.
2. Charitable, religious, nonprofit organizations, any political campaign on behalf of (or in opposition to) any candidate for public office, or other similar civic, charitable, noncommercial or nonprofit organizations and/or undertakings.
3. Nothing in this chapter is intended to excuse the compliance of any person with any other applicable laws and regulations, including without limitation the laws of trespass.

5.08.080 Enforcement and penalties.

Violation of this chapter is a misdemeanor and any person, business, firm, or corporation who violates any of the provisions herein shall upon conviction be punished by a fine of up to \$1,000 and/or imprisonment for a term not to exceed 90 days. Violation of this chapter is also designated as a public nuisance.