

Article 2. Peddlers, Solicitors, Street Vendors and
Temporary Merchants

**§10-201 PEDDLERS, SOLICITORS, STREET VENDORS AND
TEMPORARY MERCHANTS; PURPOSE AND INTENT.**

(1) It is the intent of the City of Wakefield in enacting this Article:

(a) To serve and protect the health, safety and welfare of the general public;

(b) To establish a uniform set of rules and regulations that are fair and equitable;

(c) To develop a vending system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;

(d) To provide economic development opportunities to small entrepreneurs in the City and its environs; and

(e) To promote stable vendors who will enrich the City's ambiance and be assets to public security.

(2) The regulations contained in this Article are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific activities that are commercial in nature. (*Ord. No. 3-2011, 4/4/11*)

**§10-202 PEDDLERS, SOLICITORS, STREET VENDORS AND
TEMPORARY MERCHANTS; DEFINITIONS.**

For purposes of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS OF VENDING shall mean peddling, soliciting, street vending, or temporary vending.

PEDDLER shall mean a person, or persons, traveling from place to place, selling and delivering goods, wares, or merchandise at the same time.

PEDDLING shall mean the business conducted by a peddler.

SOLICITING shall mean the business conducted by a solicitor.

SOLICITOR shall mean a person, or persons, traveling from place to place not carrying goods, wares, or merchandise, but taking orders for future delivery to the general public.

STREET VENDING shall mean the business conducted by a street vendor.

STREET VENDOR shall mean a person, or persons, who travel from street to street upon public or private property, carrying, conveying, or transporting goods, wares, or merchandise, such as, but not limited to, food, beverages, flowers, balloons, and wearing apparel, offering and exposing the same for sale by hand or from a motorized vehicle or from a mobile-type device such as a push cart, lunch wagon, handcart, or bicycle.

TEMPORARY MERCHANT shall mean a person, or person, who occupies a temporary, fixed location, sells and delivers from stock on hand, and does business in much the same manner as a permanent business.

TEMPORARY VENDING shall mean the business conducted by a temporary merchant. (*Ord. No. 3-2011, 4/4/11*)

§10-203 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; PERMITS.

(1) Any peddler, solicitor, street vendor, or temporary merchant, as defined in this Article, shall obtain a permit from the Office of the City Clerk prior to engaging in the business of vending within the City of Wakefield. An application for a permit shall be filed with the Office of the City Clerk on a form supplied by that office. A non-refundable permit fee shall accompany the application. A permit for a peddler, a solicitor, or a street vendor shall expire seven (7) calendar days from the date of the permit.

(2) A permit for a temporary merchant shall expire one (1) year from the date of the permit. (*Ord. No. 3-2011, 4/4/11*)

§10-204 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; PERMIT FEES.

The amount of the permit fee shall be established from time to time by resolution of the City Council. Vendors of fireworks stands, unless otherwise exempt as set forth in this Article, shall be required to get a permit but shall be exempt from the permit fee. (*Ord. No. 3-2011, 4/4/11*)

§10-205 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; OCCUPATION TAX. Any peddler, solicitor, street vendor, or temporary merchant shall, prior to engaging in the business of vending within the City of Wakefield, pay any occupation tax required pursuant to Chapter 10, Article 7 of the Wakefield Municipal Code. (*Ord. No. 3-2011, 4/4/11*)

§10-206 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; EXEMPTIONS. The provisions of this Article shall not pertain to:

- (1) Those persons whose entire profits from such activities are contributed to a charitable, religious or educational organization, association or institution;
- (2) Those persons who conduct business in conjunction with a community festival or event;
- (3) Those persons who are selling or delivering for sale fruits and vegetables grown in Dixon, Wayne, or Thurston Counties;
- (4) Wholesale salesmen soliciting merchants directly. (*Ord. No. 3-2011, 4/4/11*)

§10-207 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; GENERAL APPLICATION REQUIREMENTS. All applicants for a permit to conduct the business of vending within the City of Wakefield shall be required to:

- (1) Provide personal photo identification including date of birth, and/or driver's license;
- (2) Complete a consent form which authorizes the Police Department to make criminal history inquiries;
- (3) Upon request, applicant shall submit to being photographed and or fingerprinted prior to receiving a permit;
- (4) Specify a contact person to receive complaints against the business;
- (5) List the names and provide identification required in paragraphs (1) through (3) above of all individuals within the area who will be working for the applicant;

(6) If a motor vehicle is to be used in the vending business, a description of the vehicle together with license number, and a certificate of insurance on the vehicle;

(7) Provide a description of the merchandise which will be offered for sale. (*Ord. No. 3-2011, 4/4/11*)

§10-208 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; SPECIAL STANDARDS FOR PEDDLERS, SOLICITORS AND STREET VENDORS.

(1) Peddlers and solicitors shall limit their hours of operation to only those hours between 8:00 a.m. and 8:00 p.m. Monday through Saturday, and from 1:00 p.m. and 8:00 p.m. on Sunday.

(2) Street vendors shall limit their hours of operation to only those hours between 8:00 a.m. and 10:00 p.m. Monday through Saturday, and from 1:00 p.m. and 10:00 p.m. on Sunday.

(3) No peddler or solicitor shall enter uninvited into a private building, structure, or room.

(4) Peddlers and solicitors when conducting their business shall:

(a) Present to the person being solicited identification of themselves and the person whom, or firm, association, organization, company, or corporation which they represent;

(b) Explain the purpose of the peddler's or solicitor's call;

(c) Inquire whether the person being solicited is interested in listening to a sales presentation and immediately discontinue the solicitation if the person being solicited gives a negative response;

(d) During the course of the solicitation, provide in writing the total cost of the goods and services offered for sale and the number, timing and amount of installment payments if payment on an installment basis is available to the person being solicited.

(5) A permit for a peddler or solicitor shall be carried on the person of the peddler or solicitor, and the peddler or solicitor shall be required to show his or her permit to any customer or police officer upon request.

(6) A permit for a street vendor shall be displayed by the street vendor in a visible location, and the street vendor shall be required to show his or her permit to any customer or police officer upon request. (*Ord. No. 3-2011, 4/4/11*)

§10-209 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; SPECIAL STANDARDS FOR TEMPORARY MERCHANTS. (1) A temporary merchant shall limit his or her hours of operation to only those hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday, and from 1:00 p.m. and 10:00 p.m. on Sunday.

(2) If the temporary vending business is being conducted on private property, the temporary merchant shall have available at the business location a signed, written consent from the owner of the property which authorizes the temporary merchant to conduct business from the property.

(3) The temporary merchant shall obtain written authorizations from the City Clerk and the Police Department permitting sales from public property.

(4) The activities of the temporary merchant shall not impair or impede the proper flow of traffic on public or private property.

(5) The activities of the temporary merchant shall not unduly restrict parking spaces on public or private property.

(6) The permit for a temporary merchant shall be displayed by the temporary merchant in a visible location, and the temporary merchant shall be required to show his or her permit to any customer or police officer upon request.

(7) Temporary merchants shall comply with all intersection site line setback requirements of the City zoning regulations for the purpose of traffic safety.

(8) Signs for temporary vendors shall be of professional appearance and mounted upon the vehicle used for sales. No free-standing signs shall be permitted.

(9) Temporary merchants are limited to the use of no more than two (2) signs.

(10) A temporary merchant must remove all trash or debris within fifty (50) feet of the vehicle or stand used for temporary vending at the conclusion of each work day. Temporary merchants must provide at least one (1) trash container at each temporary vending site. (*Ord. No. 3-2011, 4/4/11*)

§10-210 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; PERMIT APPROVAL. The City Clerk's office shall have the authority to approve or deny any application for a permit to be issued under this Article. A permit shall not be issued to any applicant:

- (1) Who has been convicted of any one (1) or more of the following crimes: theft, burglary, robbery, fraud, deceit, child molestation, or any other crime of violence;
- (2) Who has a previous history of violations of this Article involving door-to-door sales;
- (3) Who has provided false information on the application form;
- (4) Who has failed to comply with any condition, standard or requirement of this Article. (*Ord. No. 3-2011, 4/4/11*)

§10-211 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; VIOLATIONS. It shall be a violation of the provisions of this Article to:

- (1) Conduct the business of peddling, soliciting, street vending, or temporary vending without a permit issued by the Office of the City Clerk;
- (2) Make a fraudulent or knowingly false statement or misrepresentation in the application for a permit;
- (3) Make a fraudulent or knowingly false statement or misrepresentation in the course of carrying on the business for which a permit was issued;
- (4) Conduct the business for which the permit was issued in any manner contrary to the conditions of the permit;
- (5) Conduct the business for which the permit was issued in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners. (*Ord. No. 3-2011, 4/4/11*)

§10-212 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; PENALTIES. (1) The penalty for violating any provision of this Article shall be a fine not exceeding

five hundred dollars (\$500.00) for each offense. Each day that a violation continues shall constitute a separate offense.

(2) Any permit so granted shall be subject to revocation for good and sufficient cause by the Office of the City Clerk. (*Ord. No. 3-2011, 4/4/11*)

§10-213 PEDDLERS, SOLICITORS, STREET VENDORS AND TEMPORARY MERCHANTS; APPEALS. Any party to whom a permit is denied or any party whose permit has been revoked may appeal such action to the City Council. The appeal must be in writing and delivered to the City Office within thirty (30) days of the date of denial. The City Council shall schedule a hearing no later than thirty (30) days from the date of delivery of the written appeal to the Office of the City Clerk. (*Ord. No. 3-2011, 4/4/11*)

Wakefield Code

Article 3. Plumbers

§10-301 PLUMBERS; LICENSE, APPLICATION, BOND. No person except the Utilities Superintendent or his agents, shall install any plumbing work within the City which connects with the water or sewer systems of the City without first having obtained a license from the Mayor and Council so to do, without first having paid the annual registration fee by way of occupation tax and posted the bond required by this Code. All licenses issued to plumbers shall continue in force to May first (1st) after the date on which they are granted, unless sooner revoked. Licenses at the time of their expiration may be renewed by the Mayor and Council, upon written recommendation of the Plumbing Inspector, upon written request of the applicant for a period of one (1) year commencing May first (1st) and ending April thirtieth (30th) next following and upon condition that the renewal registration fee is paid and upon further condition that registrant's bond for the renewal license period is approved by the Mayor and Council and on file in the office of the City Clerk. No plumber's license issued hereunder shall be transferable. The City Clerk shall keep a record of all licenses issued, lapsed or revoked hereunder. All plumbers' licenses shall be signed by the Mayor and countersigned by the City Clerk. Every license granted may be revoked after reasonable notice and hearing by the Mayor and Council whenever the licensee fails, neglects or refuses to comply with the provisions of this Article.

Application for a plumber's license shall be made in writing to the Plumbing Inspector on standard forms that may be furnished by him. Before such license shall be issued, the applicant shall satisfy the Plumbing Inspector that he possesses qualifications and fitness, practical and elementary in character, to install plumbing, and if the Plumbing Inspector is so satisfied, he shall recommend the issuance of such license to the Mayor and Council. If the applicant is a plumbing contractor, any license so issued shall cover those employees of the

Wakefield Code

applicant who shall install plumbing work under the supervision of the applicant.

A corporate surety bond in the sum of one thousand (\$1,000.00) dollars, containing such conditions as the City Attorney shall specify, shall accompany the application and the written approval of the Mayor pursuant to action of the Council shall be endorsed on the bond before the license issued. Obligee of the bond shall be the City and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one (1) year after the completion of any plumbing work by the applicant. (Ref. 5-5-2, Code 1943)

Article 4. Electricians

§10-401 ELECTRICIANS; LICENSE, APPLICATION, BOND.

No person shall install any electrical apparatus within the City which connects with any electrical distribution system in the City without first having obtained a license from the Mayor and Council so to do, without first having paid the annual registration fee by way of occupation tax and posted the bond required by this Code. All licenses issued to electricians shall continue in force to May first (1st) after the date on which they are granted, unless sooner revoked. Licenses at the time of their expiration may be renewed by the Mayor and Council, upon written recommendation of the Electrical Inspector, upon written request of the applicant for a period of one (1) year commencing May first (1st) and ending April thirtieth (30th) next following and upon condition that the renewal registration fee is paid and upon further condition that registrant's bond for the renewal license period is approved by the Mayor and Council and on file in the office of the City Clerk. No electrician's license issued hereunder shall be transferable. The City Clerk shall keep a record of all licenses issued, lapsed or revoked hereunder. All electricians' licenses shall be signed by the Mayor and countersigned by the City Clerk. Every license granted may be revoked after reasonable notice and hearing by the Mayor and Council whenever the licensee fails, neglects or refuses to comply with the provisions of this Article.

Application for a electrician's license shall be made in writing to the Electrical Inspector on standard forms that may be furnished by him. Before such license shall be issued, the applicant shall satisfy the Electrical Inspector that he possesses qualifications and fitness, practical and elementary in character, to install electrical apparatus; and if the Electrical Inspector is so satisfied, he shall recommend the issuance of such license to the Mayor and Council. If the applicant is a electrical contractor, the license so issued shall cover those employees of the applicant who shall install electrical apparatus under the supervision of the applicant.

A corporate surety bond in the sum of one thousand (\$1,000.00) dollars, containing such conditions as the City Attorney shall specify, shall accompany the application and the written approval of the Mayor pursuant to action of the Council shall be endorsed on the bond before the license issued. Obligee of the bond shall be the City and action

may be maintained thereon by anyone injured by a breach of its conditions for a period of one (1) year after the completion of any electrical work by the applicant. (Ref. 4-3-2, Code 1943)