



City of Orting

104 Bridge St. S., PO BOX 489, ORTING WA 98360

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www.cityoforting.org

BUSINESS LICENSE APPLICATION
SPECIAL BUSINESS LICENSE – PEDDLERS & SOLICITORS
LICENSE YEAR: 2024

Application: New Renewal

Applying as: Employee or Agent Employer Principal

(Each employee must complete a separate license application.)

Attach to application: A copy of the applicant’s driver’s license or other government issued identification, containing a picture of the applicant.

* **\$20 fee** required for Background check

BUSINESS INFORMATION			
Legal Business Name:		WA State UBI:	
Nature of Business:			
Items/Service to be sold:			
Mailing Address:			
City:	State:	Zip Code:	
Physical Location Address:			
City:	State:	Zip Code:	
Business Email:			
Business Phone:		Business Fax:	

SOLICITAION INFORMATION			
Will a vehicle be used? <input type="checkbox"/> NO <input type="checkbox"/> YES			
Vehicle License Plate:		VIN #:	
Make:	Model:	Color:	Year:

INDIVIDUAL SOLICITOR'S INFORMATION

Applicants Full Name:

Known By / Prior Names:

Date of birth:

Social Security #:

Driver's License #:

Home Address:

Mailing Address:

City:

State:

Zip Code:

City:

State:

Zip Code:

Phone Number:

Email:

BACKGROUND INFORMATION

Within the ten year period prior to the date of the application, has the applicant been convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States? [] NO [] YES

If YES, state nature and circumstances of offense:

Within the five year period prior to the date of the application, has the applicant been convicted of a violation of a misdemeanor or gross misdemeanor under the laws of this state or any other state or federal law of the United States? [] NO [] YES

If YES, state nature and circumstances of offense:

I hereby declare under penalty of perjury, that the statements furnished by me on this application, including any accompanying information, are true, correct and complete.

I hereby declare that I have been provided with a copy of Orting Municipal Code (OMC) Chapter 3.2.29.

I also hereby authorize the City of Orting or an independent investigating agency to conduct a background investigation, as described and required by OMC Chapter 3.2.29.

Signed by: _____ Date: _____

Print Name and Title: _____

Attested by (City Official): _____ Date: _____

Print Name and Title: _____

Orting Municipal Code 3.2.29: Peddlers and Solicitors

A. Purpose: The city council finds that the public health, safety, and welfare requires that the citizens of the city be protected from uninvited solicitors to: 1) protect against criminal activity, including fraud, bunco and burglary; 2) minimize the unwelcome disturbance of residents and their privacy; 3) preclude solicitation and sales by individuals who have been convicted of certain crimes; and 4) preclude soliciting where it would interfere with pedestrian and vehicular passage.

B. License Required: Except as otherwise provided herein, it shall be unlawful for any individual to engage in business in the city as a solicitor or peddler without first having applied for and obtained, and having in full force and effect, a valid solicitor or peddler license.

C. Compliance With Laws: All solicitor or peddler licenses issued pursuant to this chapter shall be and are conditioned upon compliance at all times with all ordinances and regulations of the city, state laws, and regulations of regulatory agencies having authority over the licensee applicable to the operation of such business or which otherwise bear a direct relationship to the conduct of the business licensed. Issuance of a business license does not imply compliance with applicable laws, ordinances or regulations.

D. Limitation On Activities Permitted By Solicitors And Peddlers: Except as otherwise authorized pursuant to this chapter, it shall be unlawful for a solicitor or peddler within the city to:

1. Engage, or attempt to engage, in the business of soliciting or peddling upon public property, including public parks, public trails, public rights of way, and public sidewalks; provided that, such prohibition shall not apply to use of the public rights of way for travel and shall not prohibit constitutionally protected activities;

2. While engaged, or attempting to engage, in the business of soliciting or peddling, enter upon any other person's private property, home, residence, apartment complex or business that conspicuously displays a "No Peddlers" or "No Solicitors" sign, or any other similar sign that communicates the occupant's desire not to be contacted by solicitors;

3. While engaged, or attempting to engage, in the business of soliciting or peddling, persist or continue in any solicitation or attempted solicitation, or peddling or attempted peddling, of any particular member of the general public after such person has expressed his or her desire that further solicitation or peddling efforts discontinue;

4. While engaged, or attempting to engage, in the business of soliciting or peddling, call attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure;

5. While engaged, or attempting to engage, in the business of soliciting or peddling, obstruct the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right of way;

6. While engaged, or attempting to engage, in the business of soliciting or peddling, conduct business in a way so as to create a threat to the health, safety, and welfare of any specific individual or the general public;

7. Engage in or attempt to engage in business before eight o'clock (8:00) A.M. or after eight o'clock (8:00) P.M.;

8. While engaged, or attempting to engage, in the business of soliciting or peddling, fail to provide proof of license, or registration, and identification when requested;

9. Use the solicitor or peddler license of another person;

10. While engaged, or attempting to engage, in the business of soliciting or peddling, allege false or misleading statements about the products or services being sold, including untrue statements of

endorsement. No peddler or solicitor shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person; or

11. Remain on the property of another when requested to leave.

E. Exemptions: In addition to the exemptions set forth at section [3-2-6](#) of this chapter, no solicitor or peddler license shall be required for the following:

1. Any person selling personal property at wholesale to dealers in such articles or commodities; newspaper couriers; and persons who have been invited to call upon another person for the purpose of displaying for possible purchase goods, literature or giving information about any article, thing, product or service;

2. Farmers, gardeners, or other persons who deliver or sell any agricultural, horticultural, or farm products which they have actually grown, harvested, or produced; provided, that this exemption does not apply to the sale of firewood;

3. Any person who makes casual sales of seasonal articles such as produce, holiday items, handmade gift articles, etc., or provides seasonal services such as lawn care, snow removal and other household jobs;

4. Any person engaged in the business of selling through the United States mail;

5. Charitable, religious or nonprofit organizations, or organizations that have received exempt status under 26 USC 501(c)(3) or are registered pursuant to and in compliance with chapter 19.09 Revised Code Of Washington (charitable solicitations) and have proof of such exempt status or registration;

6. Candidates for political office, campaign workers, members and representatives of political committees or political organizations campaigning on behalf of ballot issues, distributors of sample ballots and other political literature and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency;

7. Minors conducting fundraising activities, who represent an organization for the benefit of youths, including, but not limited to, Boy Scouts, Girl Scouts, and Little League groups;

8. Any person going from house to house, door to door, business to business, street to street, or any other type of place to place movement for the primary purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption shall not apply if the person's exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity;

9. Mobile food vending activities pursuant to and in compliance with a valid mobile food vendor license;

10. Authorized special event vendors engaging in vending activities at a farmers' or public market or special event; and

11. Persons engaged in activities as a noncommercial door to door advocate.

F. Licensee; Applicant: All applications shall be made by, and on behalf of, each individual who will engage in business in the city as a solicitor or peddler, and such individual shall be the licensee. If the licensee is not a sole proprietor, and is acting as an agent, contractor, or employee of another person, such person shall have and maintain a valid general business license in the city.

G. Application And Issuance: Any individual desiring to obtain a solicitor or peddler license under this chapter shall apply to the city for such license upon such forms as the city prepares and provides, and shall give such information as required herein and any such additional information that the city administrator deems reasonably necessary to administer and enforce this chapter, and shall pay the city the sum or sums required to be paid therefor pursuant to section [3-2-9](#) of this chapter. An application not

including the required information and license fee shall not be deemed complete and will not be processed by the city.

The following information shall be included with and be made a part of the application:

1. The applicant's name;
2. An address at which the licensee will receive notices from the city;
3. A telephone number at which the licensee can be contacted;
4. Applicant's name, prior name(s) and aliases; address; present place of residence and the length of residence at such address; and business address if other than above identified address;
5. Address or place of residence of applicant during the two (2) years prior to the date of the application;
6. In the event the name or address of applicant has changed within the two (2) years prior to the date of application, each name and address used over the last two (2) year period;
7. Applicant's physical description, date of birth and social security number;
8. Whether applicant has ever been, within the ten (10) year period prior to the date of the application, convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States;
9. Whether applicant has ever been, within the five (5) year period prior to the date of the application, convicted of a violation of a misdemeanor or gross misdemeanor under the laws of this state or any other state or federal law of the United States;
10. A description of the item(s) or services being sold and/or a description sufficient for identification of the subject matter of the business in which applicant will engage;
11. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation;
12. Applicant's driver's license number or other acceptable form of identification; and
13. The uniform business identifier number issued by the state of Washington or federal tax identification number for the business on whose behalf the licensee is performing soliciting or peddling services.

H. Authorization For Background Check: Applicant shall complete an authorization form to release information allowing the police department to conduct a local criminal history background check and allowing the Washington state patrol to conduct a state and national criminal history check in accordance with the provisions of Revised Code Of Washington 35A.21.370 and 10.97.050. Applicant may be required to submit to fingerprinting or palm scanning by the police department, in connection with the application for the license, and shall be required to provide a copy of a valid driver's license or picture ID for identification purposes.

I. Attestation: Each applicant shall sign the application either in the presence of the city clerk, or designee, or the city administrator, and shall provide proof of applicant's identity, or each such applicant's signature shall be notarized. Each applicant shall attest as to the truth and accuracy of the contents of the application provided by applicant.

J. Receipt: The city shall, upon receipt of a complete application and the required sum or sums, issue to applicant a receipt stating therein the date, amount paid and for which type of license was applied.

K. Content Of Solicitor Or Peddler License: Every peddler or solicitor license issued under this chapter shall recite the date of issue, date of expiration, and the name of the licensee, include an endorsement for either a peddler or solicitor license, and be signed by the city administrator.

L. Investigation Of Applicants: It shall be the duty of the chief of police, or his/her designee, to investigate each application. The chief of police, or his/her designee, shall endeavor to complete such investigation within a reasonable time period after receipt of the complete application. In his/her investigation, the chief of police, or his/her designee, shall determine to the best of his/her ability:

1. The genuineness of all credentials presented by the applicant;
2. The truth of the facts set forth in the application; and

3. If the applicant has been convicted of a crime which bears a direct relationship to the conduct of the business licensed pursuant to this chapter; provided that, such conviction, if for a felony is less than ten (10) years old, and if for a misdemeanor or gross misdemeanor, is less than five (5) years old. In considering whether or not the conduct in question relates to the licensee's/applicant's ability to operate as an itinerant vendor, the city may consider whether the conduct indicates that the applicant or licensee is unfit to operate as an itinerant vendor. The city will presume that the following categories of crimes that constitute a felony or misdemeanor under Washington state law or under the laws of the state or district in which the crime was committed and for which a conviction is less than ten (10) years old for a felony and less than five (5) years old for a misdemeanor, have a direct relationship to the fitness of such person to engage in business as solicitor or peddler:

- a. Homicide;
- b. Assault;
- c. Crimes of dishonesty (e.g., theft, bunco, embezzlement, fraud, etc.);
- d. Sex crimes;
- e. Drug related crimes;
- f. Crimes against children and/or vulnerable adults;
- g. Burglary and/or trespass; or
- h. Kidnapping and/or unlawful imprisonment.

M. Carrying Of License Required: The license required by this section shall be carried at all times by the solicitor or peddler for whom it was issued when soliciting in the city. The license shall be displayed by the solicitor or peddler whenever and wherever he or she shall be requested to do so by any police officer, city official or person solicited or peddled.

N. Uninvited Solicitors/Peddlers Prohibited; Violation A Nuisance: It is unlawful and constitutes a nuisance for a person to go upon a premises and ring the doorbell upon or near a door, or create a sound in any other manner calculated to attract the attention of the occupant of such residence or business for the purpose of securing an audience with the occupant thereof, and engage in soliciting or peddling, in defiance of the notice prohibiting soliciting or peddling conspicuously posted upon the premises of such residence or business.

O. Uninvited Solicitors/Peddlers; Departure From Premises Required: It shall be the duty of every solicitor and peddler upon going onto any premises of any residence or business in the city to determine if a notice prohibiting soliciting or peddling has been posted, and to be governed by the statement contained on the notice by immediately and peacefully departing from the premises.

A solicitor who has gained entrance to a residence, business, or development, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 939, 4-30-2014)