

ORDINANCE NO. 1509

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING BUSINESS LICENSING, CREATING A NEW CHAPTER 5.05B OF THE RUSTON MUNICIPAL CODE, ESTABLISHING PROCESSES AND PROCEDURES FOR BUSINESS LICENSING FOR DOOR TO DOOR SALES IN THE CITY OF RUSTON, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State is requiring all cities with business licenses to make certain updates to its business licensing codes and the deadline for adopting these revisions for Ruston is October 17, 2018; and

WHEREAS, the City deemed it in the best interests to fully update its licensing code, including adoption of several new chapters under subtitle 5.05, including this new Chapter 5.05B; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on September 4, 2018, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. A new chapter is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 5.05B
SALES – DOOR-TO-DOOR SOLICITING**

- Sections:**
- 5.05B.010 License required.**
 - 5.05B.020 Definitions.**
 - 5.05B.030 License fees.**
 - 5.05B.040 Exemptions.**

- 5.05B.050 Regulations.**
- 5.05B.060 Criminal Background Check/Fingerprints/Photographs.**
- 5.05B.070 Responsibility for licensing.**

5.05B.010 License required.

It shall be unlawful for any person to engage in door-to-door soliciting in the City without first obtaining a license pursuant to the provisions of this chapter.

5.05B.020 Definitions.

The term “door-to-door soliciting” or “soliciting,” whenever used in this chapter, shall mean the carrying of merchandise or the offering for sale goods or services from place to place or the making of sales and the delivering of merchandise or services sold at the same time and place. Goods or services may include, but are not limited to, burglar and fire alarm monitoring equipment or monitoring services, subscriptions for books, magazines, periodicals, newspapers or other type of publication to be delivered at a later date, whether or not collecting payment in advance for such goods or services.

5.05B.030 License fees. License fees for soliciting under this chapter shall be established by the City Council by resolution.

5.05B.040 Exemptions.

A. The provisions of this chapter shall not apply to any person soliciting any article of his or her own make, nor to any farmer or dairyman selling the products of his or her own farm, garden, or dairy, or the combined products of his or her farm, garden, or dairy and those actually produced by his or her neighbor, nor to merchants, grocers, or butchers who have a regular established place of business in the City or elsewhere and who do not engage in the making of sales from vehicles upon the streets or highways of the City.

B. The provisions of this chapter shall not apply to any bona fide school or nonprofit fundraising activities.

C. The provisions of this chapter shall not apply to veterans pursuant to RCW 73.04.050.

D. The provisions of this chapter shall not apply to any person possessing a valid license issued by the State of Washington as long as the state license requirements include fingerprinting of the applicant and background check and the license has been issued for the service the person is soliciting (i.e. a real estate broker with a valid State of Washington Real Estate license is soliciting real estate broker services).

5.05B.050 Regulations.

Licenses issued pursuant to this chapter for soliciting shall be numbered by the City when issued, and the licensee shall, if he/she uses a vehicle in such soliciting activity, display such number in Arabic numerals sufficiently large enough to be easily read in a prominent place on such vehicle. The applicant for such license, if any scales, weights, or measures are used in selling the article to be solicited, shall present and file with his or her application a certificate from the Director of Public Works or City Engineer showing that all scales, weights, or measures to be used by him in

the licensed activity have been tested and found accurate and correct immediately prior to the filing of said application.

5.05B.060 Criminal Background Check/Fingerprints/Photographs.

All applicants for a solicitor's license must consent to be fingerprinted for a state and federal criminal background check and shall submit, with his or her application, two current full face photographs of the applicant and one current right profile photograph of the applicant, each of said photographs to be of the size of two inches square. One full face and one right profile photograph shall become a part of the applicant's license, if issued; and the other full face photograph shall be filed with the application. Applicants previously licensed and fingerprinted under Chapter 5.05B may be required to again be fingerprinted if reapplication is not received within five years of initial licensing.

5.05B.070 Responsibility for licensing.

Any person employing any group of persons in any soliciting activity in the City shall be responsible for the licensing of all such persons so engaged, and failure to carry out this duty shall constitute a violation of this chapter. In addition, all licenses must be obtained ten days before engaging in soliciting activities in the City.

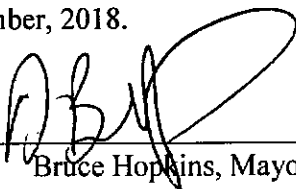
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase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

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall take effect on January 1, 2019, which is more than five days after publication as provided by law.

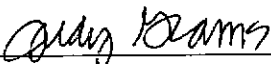
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of September, 2018.

APPROVED by the Mayor this 4th day of September, 2018.



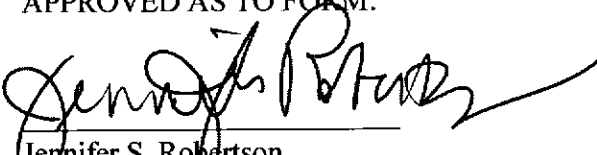
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams
City Clerk

APPROVED AS TO FORM:



Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
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