

Return Address

Walla Walla County Commissioners
PO BOX 1506
Walla Walla, WA 99362

Document Titles (i.e.: type of document)

ORDINANCE NO. 442 APPROVING A REQUEST BY WALLA WALLA COUNTY TO CREATE PROCEDURES AND RULES FOR REGULATING PEDDLERS AND HAWKERS, PURSUANT TO RCW 36.71

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page ____ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein. Please type or print the information. This page becomes part of document.



**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 442

**AN ORDINANCE APPROVING A REQUEST BY WALLA WALLA COUNTY
TO CREATE PROCEDURES AND RULES FOR REGULATING PEDDLERS
AND HAWKERS, PURSUANT TO RCW 36.71.**

Whereas, RCW 36.71 provides that peddlers and hawkers must apply to the County for a license before undertaking such activities; and

Whereas, Walla Walla County does not currently have any procedures or regulations relating to issuing such licenses; and

Whereas, the Walla Walla County Board of County Commissioners has considered adoption of this Ordinance during a regularly and duly called public meeting of said Commission, has given careful review and consideration to said Ordinance, and finds said Ordinance to be in the best interests of the County of Walla Walla.

NOW THEREFORE,

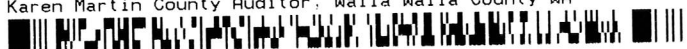
BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Notice of a Public Hearing was published in the Waitsburg Times on December 3, 2015.
2. The Board of County Commissioners held a public hearing on December 14, 2015 for the purpose of receiving testimony on the proposed amendments.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.
2. The amendments are consistent with RCW 36.71.



3. The regulations will provide procedures for the County to issue peddlers' and hawkers' licenses, as well as definitions regarding what activities are exempt from such licensing.

Section III. Amendments to Walla Walla County Code, Creating New Chapter 5.06.

The amendments to Walla Walla County Code, creating a new Chapter 5.06, are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

Section IV. Index. The index to any chapter of the Walla Walla County Code in which sections are added or removed or in which section titles are changed herein shall also be amended to reflect the section amendments.

Section V. Effective Date. This Ordinance is effective as of the date of signing.

Section VI. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

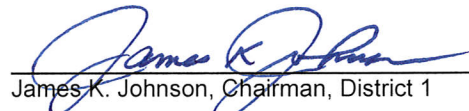
Section VII. Publication. This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 19th day of January, 2016.

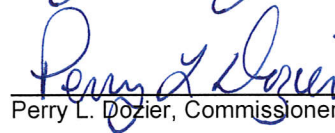
Attest:



Connie R. Vinti, Clerk of the Board



James K. Johnson, Chairman, District 1




Perry L. Dozier, Commissioner, District 2



James L. Duncan, Commissioner, District 3

Constituting the Board of County Commissioners
of Walla Walla County, Washington

Approved as to form



Jesse D. Nolte, Deputy Prosecuting Attorney

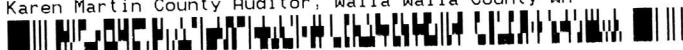


Exhibit A
New Walla Walla County Code Chapter 5.06

Chapter 5.06 Peddlers and Hawkers

5.06.005 Purpose

The purpose of this Chapter is to set forth the County's procedures to license peddlers and hawkers as provided by RCW Chapter 36.71. The provisions of RCW Chapter 36.71 as it exists or is hereafter amended are adopted as if set forth herein.

5.06.010 Definitions.

As used in this chapter:

"Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved.

"Hawker" means every person, either as principal or agent, who sells any goods, wares, or merchandise, at auction or public outcry, or barter goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket or other package carried on foot; PROVIDED, that this definition shall not be construed as to apply to any seagoing craft or to administrators or executors selling property of deceased persons, or to private individuals selling their household property, or furniture, or farming tools, implements, or livestock, or any produce grown or raised by them, either at public auction or private sale.

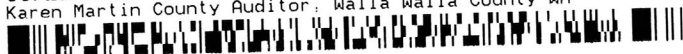
"Peddler" means any person, either as principal or agent, who goes from place to place and house to house, carrying for sale and offering for sale or exposure for sale, goods, wares, or merchandise except agricultural, horticultural, or farm products, which they may grow or raise, and except vendors of books, periodicals, or newspapers.

5.06.020 License – Required – Exemptions.

A. Except as provided in this chapter, it is unlawful for any person to peddle or hawk any article or thing of value, goods, services or merchandise, or engage in the business of hawking or peddling, as defined in Section 5.06.010, outside the corporate limits of any city or town within the county, without first having obtained a license from the Walla Walla County Community Development Department.

B. Nothing in this chapter shall apply to:

1. Casual or isolated sale as defined in Section 5.06.010;
2. Associations and any community fund or foundation, organized and operated exclusively for religious, scientific, public or other charitable purposes or for the prevention of cruelty to children or animals, no part of the earnings to which inures to the benefit of any private shareholder, member or individual;
3. Civil leagues, corporations or organizations not organized for profit, but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to employees of a designated person or persons in a particular municipality and the net earnings of which are devoted exclusively to charitable, educational or recreational purposes;



4. Clubs organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the earnings of which inure to the benefit of any private members or shareholders.
5. Peddlers or hawkers of agricultural, horticultural or farm products which they or family members may grow or raise;
6. Vendors of books, periodicals or newspapers;
7. Vendors at the Walla Walla Fair and Frontier Days or the Walla Walla County Fairgrounds.
8. Fundraising activities for school, church, political groups or non-profit entities.
9. Food vendors who have received appropriate licenses from the Walla Walla County Community Health Department. Any food vendor who has not been licensed by the Health Department shall be subject to the penalties set forth in this chapter, as well as any penalties under County or State Health codes.
10. Purveyors of goods at a home sales party or similar type home gatherings or meetings, such as Avon, Amway, Mary Kay, Tupperware, etc.
11. Sidewalk refreshment stands operated by minors.

5.06.030 License fees and deposits.

The license fees for peddlers and hawkers shall be twenty-five dollars, which shall be paid to the Walla Walla County Community Development Department. The license fees shall be payable at the time of application for a license and are nonrefundable administrative fees. Peddlers shall pay the \$500 deposit required by RCW 36.71.020 to the Community Development Department.

5.06.040 Term of Licenses.

1. A peddler's license shall be valid and authorize a peddler to do business in the county for the term of one year from the date of issuance, unless revoked.
2. A hawker's license shall be valid and authorize a hawker to do business in the County for a term of five years from the date of issuance, unless revoked.

5.06.050 License application and administrative review procedure – Peddlers and hawkers.

Applicants for peddler and hawker licenses shall provide the Walla Walla County Community Development Department with a written application, under oath, describing the proposed business in detail and specifically including as a minimum the following:

1. The proposed manner of operation of the business.
2. The goods, wares, services, merchandise or articles to be offered for sale.
3. The proposed hours of operation and the proposed areas of operation.
4. The names and residences of the owners or parties in whose interest the business is to be conducted.

5.06.060 Violation.

A. Every person, corporation or entity who, without a valid county license, acts as a peddler, shall be guilty of a misdemeanor, and shall be punished under the penalties set forth in RCW 36.71.060 as it exists or is hereafter amended.



B. Every person, corporation or entity who, without a valid county license, acts as a hawker shall be guilty of a misdemeanor, and shall be punished under the penalties set forth in RCW 36.71.070 as it exists or is hereafter amended.

5.06.070 Licensees must comply with all laws

Licensees, and those exempt from licensing, must comply with all applicable zoning, health, police and sanitary laws, including, but not limited to, the laws of trespass. Violation of any federal, state or local law shall be cause for revocation of a Peddler's or Hawker's license. Revocations shall be issued through the Notice of Violation procedures of Walla Walla County Code Chapter 14.13.

