

ORDINANCE NO. 2262

ORDINANCE REPEALING CHAPTER 4.37 OF THE SELAH MUNICIPAL CODE AND
ENACTING A NEW VERSION THEREOF

WHEREAS, Chapter 4.37 of the Selah Municipal Code (SMC) is labeled “Peddlers, Solicitors, and Street Vendors” and it regulates operations of those kind; and

WHEREAS, such Chapter was enacted in 1986 and it has seldom been amended; and

WHEREAS, City staff believes that the existing Chapter should be fully repealed and that a complete replacement should be enacted; and

WHEREAS, repealing and replacing the Chapter will not require a 60-day or expedited review by the Washington State Department of Commerce; and

WHEREAS, the City Council finds that good cause exists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Repeal of Existing SMC Chapter 4.37. That the title, headings and body of the existing version of SMC Chapter 4.37 shall be and are fully repealed. Such now-repealed language is as follows (with the strikethrough editing marks indicating that it has, hereby, been repealed):

~~Chapter 4.37 PEDDLERS, SOLICITORS, AND STREET VENDORS~~

Sections:

4.37.010	Definitions.
4.37.020	License required.
4.37.030	License fees.
4.37.040	License application—Information required.
4.37.050	Investigation of applicants—Issuance of license.
4.37.055	Street vendor requirements.
4.37.060	Carrying of license required.
4.37.070	Revocation of license.
4.37.080	Purchase orders—Form and content.
4.37.090	Denial of license.
4.37.100	Unlawful acts—Penalty.
4.37.110	Severability.
4.37.010	Definitions.

~~(a) A solicitor, peddler or street vendor within the meaning of this chapter is defined as follows:~~

~~(1) Any person who sells, offers for or exposes for sale, or who trades, deals or traffics in any personal property at retail in the city by going from dwelling to dwelling or from place to place or by indiscriminately approaching individuals;~~

~~(2) Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers, are embraced within the preceding subdivision; provided, however, that this section shall not be deemed applicable to any salesman or canvasser who solicits trade from wholesale or retail dealers in the city;~~

~~(3) Any person who, while selling or offering for sale any goods, wares, merchandise or anything of value, stands in a doorway, any unenclosed vacant lot, parcel of land, or in any other place not used by such person as a permanent place of business, shall be deemed a solicitor or peddler within the meaning of this chapter.~~

~~(b) When the term permit or license is used in this chapter, it means the license required under Section 4.37.020 of this code.~~

4.37.020 License required.

~~It shall be unlawful for any person to act as solicitor, peddler or street vendor within the meaning and application of this chapter unless that person or his/her employer has first secured a license in the manner provided in this chapter.~~

4.37.030 License fee.

~~The license fees for solicitors, peddlers, or street vendors shall be as follows:~~

~~(1) *Investigation Fee.* New applications for a solicitor, peddler or street vendor license shall be accompanied by a nonrefundable investigation fee of ten dollars. Except as provided in subsection (2) of this section, this investigation fee shall be tendered only with the initial application of any individual.~~

~~(2) *Annual Fee.* On December 31st of each year, all solicitor, peddler and street vendor licenses shall automatically expire and be void unless an annual license fee of ten dollars is paid to the city clerk. Any license renewed after June 30th of any year shall be treated as a new application and subject to the investigation fee.~~

~~(3) *Exemptions.* The following persons shall be exempt from license fees:~~

~~(A) Newspaper carriers; and~~

~~(B) Community related fundraising activities. "Community related fundraising" means groups or organizations who are using door-to-door selling or requests for financial support to raise funds for Selah community projects or for youth activities directly related to the use of Selah and that area encompassing the~~

Selah School District No. 119. These organizations include but are not limited to Boy Scouts, Girl Scouts, Campfire, Selah youth sports groups, Selah School District No. 119 fundraising for school classes, organizations, clubs and events and the Selah student body association's activities. Although a license fee is not required, application for a permit to solicit is required by all community-related fundraising activities.

4.37.040 License application—Information required.

(a) Any person, firm or other organization desiring to secure solicitor's, peddler's or street vendor's license shall apply in writing to the Selah city administrator, on forms provided by the city. The application shall set forth as to each solicitor, peddler or street vendor information about the principal applicant as follows:

(1) The name, address and telephone number of the principal applicant, firm or other organization;

(2) In the event the name or address of the applicant has changed within the last two years, each name and address over the last two year period preceeding the most recent;

(3) The nature or character of the goods, wares, merchandise or services to be offered by each principal applicant;

(4) A list of the persons originally contemplating solicitation, peddling or street vending within the city of Selah, and the information required in subsection b of this section as to each;

(5) The name, address and telephone number (business and home) of the individual acting as manager of the principal applicant; and

(6) Such other information as reasonably required by city officials.

(b) For each person soliciting, peddling or street vending within the city pursuant to a principal applicant and license as required herein, whether acting as an employee, independent contractor or otherwise, the following information shall be provided to the Selah city administrator on forms provided by the city and shall set forth as to each such person the following:

(1) His/her name, address and home telephone number;

(2) The name, address and telephone number of the person, firm or other organization holding the principal license;

(3) His/her age and general personal description as required by the city;

(4) Such other information as reasonably required by the city officials.

4.37.050 Investigation of applicants—Issuance of license.

(a) It shall be the duty of the city administrator or designee to investigate each applicant, from which investigation the city administrator shall determine:

(1) The genuineness of all credentials presented by the applicant and/or the individual solicitor, peddler or street vendor and the reliability of the product or services;

(2) The truth of the facts set forth in the application; and

~~(3) From the foregoing investigation, the city administrator or designee shall determine whether or not the applicant's activity shall benefit the general welfare of the city and its residents. Such investigation must be completed within a reasonable time.~~

~~(b) The city administrator or designee shall issue or direct the issuance of a license upon his or her satisfaction that the requirements of this chapter have been complied with by the applicant.~~

4.37.055 Street vendor requirements.

~~Any person seeking a permit for a street vendor license shall comply with the following:~~

~~(1) In addition to licensing requirements of this chapter, any street vendor shall be required to obtain any street use permit required.~~

~~(2) The city reserves the right to limit the number of vending permit sites in any given area. The city administrator or designee shall determine the allowable number of street vendors and shall exercise this discretion based upon the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic and other similar considerations.~~

~~(3) If located on a sidewalk, a minimum clearance of five feet shall be maintained by any street vendor.~~

~~(4) If a street vendor locates on a street, the operation shall be oriented to the pedestrians on the sidewalk and not to vehicular traffic, if such exposure would interfere with traffic flow.~~

~~(5) No mechanical audio or noise-making devices, and no hawking is allowed. Hawking is the loud, repeated oral solicitation of business by the vendor or an assistant.~~

~~(6) Street vendors are prohibited in parks.~~

~~(7) All street vendors shall comply with all applicable Yakima County health district requirements.~~

4.37.060 Carrying of license required.

~~Such license shall be carried at all times by each solicitor, peddler or street vendor for whom issued, when soliciting, canvassing or street vending in the city of Selah, and shall be worn and be exhibited by any such solicitor, peddler or street vendor.~~

4.37.070 Revocation of license.

~~Such license may be revoked by the city of Selah for the violation by either the principal applicant or the solicitor, peddler or street vendor of any of the ordinances of the city of Selah. The city of Selah may also revoke the license under the following conditions:~~

~~(1) Failure to comply with the terms of this chapter;~~

~~(2) Misrepresentation of facts in the licensee's application for the necessary~~

permits;

- ~~(3) Failure to comply with the terms of the license;~~
- ~~(4) Creation of a hazard to the public health or safety.~~

4.37.080 Purchase orders—Form and content.

All orders taken by licensed solicitors, peddlers or street vendors shall be in writing, in duplicate, stating the name as it appears on the license, the address of both the solicitor, peddler or street vendor and his/her employer, the terms thereof, and the amount paid in advance, and one copy shall be given to the purchaser.

4.37.090 Denial of license.

In the event that the city administrator or designee denies a license to an applicant, the applicant may, within fifteen days, file with the clerk-treasurer a request for a hearing before the city council. The clerk-treasurer shall then notify the applicant of the time and the place of the hearing before the city council.

4.37.100 Unlawful acts—Penalty.

~~(A) *Limits within Street Selling Prohibited.* Except for street sales and street selling conducted in accordance with a license, it is unlawful for any vendor engaged in street selling to sell within two hundred feet of any park, school or playground; provided, that this section shall not apply to those persons or firms engaged in the primary business of selling and delivering milk or cream on a regularly established route and who sell and deliver other dairy and related products as an incident to the primary business.~~

~~(B) *Unlawful to Blockade Streets.* It is unlawful for any vendor engaged in street selling to in any manner obstruct, or cause to be obstructed, travel upon any sidewalk, street, avenue, alley or other public place.~~

~~(C) *Noisemakers Regulated.* It is unlawful for any vendor engaged in street selling to utilize any noisemaker.~~

~~(D) It is unlawful for any person to knowingly furnish false information on the application form for permit.~~

~~(E) It is unlawful for any person to solicit upon any public place or any property occupied as a residence without being the holder of a valid license issued pursuant to this chapter in full force and effect.~~

~~(F) It is unlawful to solicit upon property occupied as a residence between the hours of nine p.m. and nine a.m.~~

~~(G) It is unlawful for any person to solicit in a public place or any property~~

~~occupied as a residence and fail to show a valid permit issued under this chapter.~~

~~(H) It is unlawful for any person to solicit upon property occupied as a residence where there is clearly posted at or near the entrance thereof the words "no solicitation" or words of similar meaning.~~

~~(I) Any person convicted of violating any provisions of this chapter shall be punished by a fine of not more than five hundred dollars.~~

~~4.37.110 Severability.~~

~~Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.~~

Section 2. Enactment of Replacement SMC Chapter 4.37. That a new, replacement version of SMC Chapter 4.37 shall be and is enacted, to read and provide as shown below (without any included editing marks, because, as stated, this language will be entirely new and applying the double-underling editing mark would be needlessly cumbersome):

Chapter 4.37 PEDDLER PERMITS AND MOBILE VENDOR PERMITS

Sections:

4.37.010	Definitions.
4.37.020	Permit Required.
4.37.030	Permit Fee.
4.37.040	Permit Application.
4.37.050	Site Review Required.
4.37.060	Additional Requirements.
4.37.070	Requirement Table.
4.37.080	Signage.
4.37.090	Revocation or Denial of Permit.
4.37.100	Penalty.
4.37.110	Severability.

4.37.010 Definitions.

The following definitions shall apply to this chapter:

- A. "Charitable Solicitor" means any religious or non-profit organization that offers goods or services, or solicits donations, to support the benevolent cause of the charitable organization.
- B. "Mobile Vendor" means a mobile trailer, vehicle, cart, or other conveyance used to sell goods or services for profit and that conducts its business at a fixed location approved through site review.

- C. "Nomadic Vendor" means a Mobile Vendor that conducts business by traveling on public and private roadways, intermittently stopping for brief moments to sell goods or services. An example of a Nomadic Vendor is an ice cream truck that travels roadways while briefly stopping to sell ice cream to customers.
- D. "Peddler" means any person or groups of persons who sell goods or services by traveling from one residence or business to another and who engages with the occupants to solicit sales.

4.37.020 Permit Required.

Each Peddler and each Mobile Vendor must obtain a permit from the city, in addition to obtaining a Washington State Business License with a City of Selah business endorsement, prior to conducting business within the city's corporal limits. Each permit shall expire at 11:59 p.m., December 31st, and the operator must obtain a renewal of the permit prior to conducting business during the subsequent calendar year.

4.37.030 Permit Fee.

To obtain a permit, the operator must pay the applicable permit fee. The amount of the fee for a Mobile Vendor who is not a Nomadic Vendor shall be five hundred dollars, and the amount of the fee for either a Nomadic Vendor or a Peddler shall be fifty dollars. No prorations or partial refunds shall be granted.

4.37.040 Permit Application.

To obtain a permit, the operator must complete and submit a permit application and the application must be approved by the administrator of this code.

4.37.050 Site Review Required.

Each operator who applies for a Mobile Vendor permit must submit a site plan together with the permit application. The site plan must include a top down (overhead) look at each real estate lot or parcel that is a proposed location of operation, and it also must include the following information:

- A. All parking spaces on the site and the number of parking spaces that will be removed or utilized by the Mobile Vendor and its customers;
- B. All buildings and structures on the site;
- C. The location of fire hydrants or other fire suppression systems on the site;
- D. The location of restrooms and handwashing stations to be used by the Mobile Vendor (if required by the Health Department);
- E. The location of garbage cans to be used by the Mobile Vendor;
- F. The location of ingress or egress to the site;
- G. The location of signage according to SMC 4.37.080; and
- H. Proposed days and hours of operation.

4.37.060 Requirements.

A. General Standards:

1. Each trailer, vehicle, and conveyance that the operator will use must meet the following standards:
 - a. Be in good repair;
 - b. Be properly licensed and insured;
 - c. Be free of excessive rust dents, broken windows or other defects that would give a reasonable person the belief that the vehicle, trailer, or conveyance is a junk or abandoned vehicle; and
 - d. Comply with all Health Department regulations.

B. Mobile Vendor Standards:

1. A Mobile Vendor may locate on private property or may locate on improved right-of-way that is maintained wholly or in part by the abutting business, provided that:
 - a. The site is surfaced with impervious surfacing; and
 - b. The operator has obtained permission from the business maintaining the site.
2. A Mobile Vendor may not locate in any park, required open space, public property, or right-of-way maintained by the City of Selah.
3. A Mobile Vendor may only operate up to 20 hours in a calendar week.
4. A Mobile Vendor may not operate between the hours of 10:00 p.m. and 10:00 a.m. if the site abuts a residential zone.
5. A Mobile Vendor may not locate or be permitted to locate within 250 feet of another Mobile Vendor unless the two operations are separated by a public road.
6. A Mobile Vendor may not leave a vehicle, trailer, or conveyance on an approved site beyond the hours that the operation is open to the public. Each Mobile Vendor will be allowed a reasonable amount of time to set-up and break-down each day. But no Mobile Vendor may remain in place overnight.
7. No Mobile Vendor shall be sited in a residential zone.
8. Each Mobile Vendor shall be located on a site that contains an existing business. No Mobile Vendor shall locate on a vacant parcel.
9. No Mobile Vendor may block required travel lanes or occupy parking spaces that are required for existing structures.

C. Nomadic Vendor Standards:

1. A Nomadic Vendor may operate on the public rights-of-way, provided that:
 - a. The Nomadic Vendor has obtained a permit from the city; and

- b. All traffic laws are obeyed.
2. A Nomadic Vendor shall not impede the flow of traffic by traveling at reduced speeds without yielding to the normal flow of traffic.
3. Amplified sound meant to draw attention to the Mobile Vendor shall only be used between the hours of 11:00 a.m. and 7:00 p.m., and the volume shall not exceed a volume that a reasonable person would believe interferes with the peace and enjoyment of residential uses.
4. A Nomadic Vendor using the public rights-of-way must pull to the side of a road when conducting business and may not use the travel lane of any roadway to conduct sales or service. All sales must be conducted on the sidewalk side of a street when one exists. If no sidewalk exists, then the unimproved right-of-way may be used.
5. A Nomadic Vendor may not stop, locate, or otherwise park on any public or private street for longer than five minutes without having first completed site review and having been approved to do so.
6. A Nomadic Vendor may not locate at any park, nor be allowed to stop, locate, or otherwise park on any street, alley, or lane abutting a public park.
7. A Nomadic Vendor may only operate during daylight hours beginning one hour after sunrise and one hour prior to sunset.

D. Peddlers.

1. Each Peddler must respect all posted "no soliciting" signs and shall not trespass or otherwise engage with the occupants or tenants of residences or businesses where such signs are posted and clearly visible.
2. Each Peddler must display a copy of its permit upon demand by any city code enforcement officer, police officer or firefighter.
3. A Peddler may only operate during daylight hours between 10:00 a.m. and 6:00 p.m.

4.37.70 Requirement Table.

	Mobile Vendor	Nomadic Vendor	Peddler (Door to Door)
Permit Required?	Yes	Yes	Yes
Maximum Hours	20 Hours a week	20 Hours a week	N/A
Hourly Restrictions	May not operate beyond 10:00 p.m. when abutting a residential zone	Daylight hours only: 1 hour after sunrise until approximately 1 hour prior to sunset	Daylight hours only, between 10:00 a.m. and 6:00 p.m.
Amplified Sound	Allowed, provided the volume is reasonable and	Allowed, provided the volume is reasonable and only	Not allowed

	only between 11:00 a.m. and 7:00 p.m.	between 11:00 a.m. and 7:00 p.m.	
Selling in a Park	Only allowed when a Special Event Permit has been obtained	Not allowed	Not allowed

4.37.080 Signage.

A. Each Mobile Vendor shall be allowed to place one sandwich board sign, detached from the trailer, vehicle, or other conveyance used for the operation, on the parcel where the operation is occurring. The sign shall not exceed nine square feet and shall be no taller than four feet. The sign shall not contain any flashing, strobing, or moving messages, balloons, or other animated actions. No sign shall be placed in such a manner as to restrict vehicle or pedestrian movement or so as to create impacts to clear vision triangles.

B. All other signs shall be contained on the vehicle, trailer, or conveyance that is used for the operation, and none shall contain any flashing, strobing, or animated components.

4.37.090 Revocation or Denial of Permit.

Any permit issued under this chapter may be revoked, and any application for a permit under this chapter may be denied, in the interest of public safety or if the operation has committed a violation of this chapter. Any criminal activity shall also be grounds for revocation.

4.37.095 Exemptions.

A. The following shall be exempt from the provisions of this chapter:

1. Peddlers who are:
 - a. Utility companies, when notifying residents of construction projects or utility disruptions;
 - b. Government agencies conducting official business;
 - c. Quasi-Governmental agencies providing public notice;
 - d. Persons engaged in protected speech; or
 - e. Charitable solicitors.
2. Mobile Vendors who are:
 - a. Operating under a Special Event Permit; or
 - b. Providing catering service on private property for an event that is not open to the general public.

B. A Right-of-Way Use Permit is not required if the applicant has obtained an approved Mobile Vendor Permit.

4.37.100 Penalty.

Each person or entity who violates a provision of this chapter is subject to a civil infraction. Any person or entity who commits a second violation within any twelve-month period shall be guilty of a misdemeanor.

4.37.110 Severability


Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Corrections. The City Attorney and the codifiers of the SMC are authorized to, pursuant to RCW 35.21.500 through .570 and RCW 35A21.130, make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

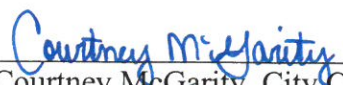
Section 5. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 25th day of November, 2025.



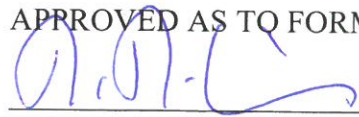
Roger Bell, Mayor

ATTEST:



Courtney McGarity, City Clerk

APPROVED AS TO FORM:



Rob Case, City Attorney