

Chapter 5.08
SOLICITOR'S PERMITS

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5.08.010 Definitions.

For the purposes of this chapter, the following words as used in this chapter shall be considered to have the meaning ascribed in this section:

A. "Business" includes all vocations, occupations, services, professions, enterprises, establishments, and all other kinds of activities and matters intended to generate revenue or conducted for private profit or benefit, either directly or indirectly, located within the city's jurisdiction for which a state of Washington business license is required.

B. "Solicitor" is defined as follows:

1. Any person, both principals and agents, as well as employers and employees, who intend to sell, offer for or expose for sale, or who shall trade, deal or traffic in, any property or services in the city by going from house to house or from place to place or by indiscriminately approaching individuals, whether on foot or by vehicle;
2. Persons seeking to obtain orders, prospective customers or subscriptions for the purchase of goods, publications or services of any kind, character or description whatsoever, for any

consideration whatsoever;

3. Any person who, while offering for sale any goods, wares, merchandise, services or anything of value, stands in a doorway or uses any building, structure, vehicle, unenclosed vacant lot, parcel of land or any other place not used by such person as a permanent place of business; or

4. Persons seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefits of any association, organization, corporation or project, not otherwise exempt under NMC [5.08.050](#).

C. "Registered solicitor" means and includes a person or business that has obtained a solicitor's permit as provided in this chapter.

D. "Residence" means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

E. "City license officer" means the director of finance or his or her appointed designee. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.020 Unlawful to solicit without license and permit.

It is unlawful and a nuisance for any person to engage in the business of a solicitor as defined in this chapter without first having obtained a solicitor's permit pursuant to NMC [5.08.040](#). (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.030 Other licenses or permits required.

Solicitors shall obtain a city business license in accordance with Chapter 5.15 NMC and any other city permits required prior to the issuance of a solicitor's permit. A temporary use permit is required for soliciting within certain zoning designations pursuant to NMC 18.32.100. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.040 Solicitor's permit – Application procedure.

A. The application for a solicitor's permit shall include the following information:

1. The name, address, telephone number and contact person for the principal applicant;
2. The nature of the business and the products or services involved;
3. The proposed method of operation in the city. If a vehicle is to be used, a description of the same, including the make, model, year, and license number. All vehicles to be used in soliciting must be listed;
4. The unified business identifier;

5. A list of persons who will solicit in the city, including each person's name, address and telephone number, a valid state photo driver's license or valid state photo identification card for each person;
6. Proof that the company is lawful and conducting legitimate business;
7. If applicable, the full name, address, telephone number and signature of the property owner authorizing the use of a parcel of land or property for soliciting; and
8. Any other information required by the city necessary to process the application.

B. At the time of filing the application form, each applicant shall pay a nonrefundable fee as established by resolution to cover the city's cost of application processing and permit issuance. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.045 Solicitor's permit – Issuance and denial.

A. After confirming the application for a solicitor's permit is complete and that the business has been issued a city business license, the city license officer shall refer the application to the police department, which shall conduct a criminal history background investigation consisting of a background check as permitted by RCW 10.97.050 and 43.43.832 through 43.43.834. The criminal background check shall occur within five business days of receipt of the application by the city.

B. If an application involves temporary use of a fixed location the city license officer shall provide a copy of the application to the community development department for the purposes of ensuring compliance with the city's land use regulations. The community development department shall provide its determination within five business days of receipt of the application by the city.

C. The city license officer shall deny the solicitor's permit application and shall not issue the permit if the applicant or any person who is seeking to solicit in the city has:

1. Within the past 10 years, committed any act consisting of fraud or misrepresentation directly relating to the occupation of solicitor;
2. Within the previous 10 years, been convicted of a misdemeanor or felony involving moral turpitude or assault;
3. Made any false or misleading statement in the application or has not provided a complete application;
4. Committed any offense for which registration as a sex offender is a legal requirement of conviction for that offense;
5. Does not currently possess a valid city business license; or

6. If it is determined the solicitor business activity proposed in the application would be in violation of city code.

D. The denial of a solicitor's permit to an individual, corporation, partnership, company or other organization which serves as the employer or principal for individual solicitors shall be a sufficient basis to deny a permit to an individual who is employed by or acting as an agent for that individual, corporation, partnership, company or other organization.

E. Upon verification that none of the conditions listed in subsection (C) of this section exist, the city license officer shall issue credentials to each person soliciting in the city that contain the impression of the city's official seal, the name of the individual, a photo of the individual, the name of the company the individual is representing, the company's phone number, nature of the business, the business UBI number and the dates during which the solicitor's permit is valid. Each solicitor shall visibly display the city-issued credentials on their person at all times while conducting business in Newcastle.

F. Permits shall be valid for six months after the date of issuance and may be renewed for an additional six-month period; provided, that the applicant meets the requirements of this chapter. (Ord. 2015-516 § 1; Ord. 2014-500 § 1 (Exh. A)).

5.08.050 Exemptions.

A. The following persons, businesses or entities are exempt from the provisions of this chapter:

1. Officers or employees of the city, county, state or federal government, or any subdivision thereof, when on official business;
2. Charitable, religious or nonprofit organizations or corporations that have received exempt status under 26 U.S.C. Section 501(c)(3), as may be amended;
3. 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;
4. Any person who is specifically requested by a potential buyer to visit or call for the purpose of displaying or purchasing goods, literature or giving information about any article, service or product;
5. Solicitors operating at any city-sponsored or properly permitted or otherwise authorized civic event for a time period not to exceed five consecutive days, so long as each peddler's name, address and telephone number are submitted to the city in advance of the event, to be maintained in the city's records; and

6. Sales conducted as “fundraisers” for youth programs, such as athletic, scouting or school programs. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.060 Revocation of permit.

A. The permit and permit credentials issued pursuant to this chapter may be revoked by the city manager or the chief of police for any of the following reasons:

1. Fraud, misrepresentation or false statement contained in the application for the solicitor's permit;
2. Fraud, misrepresentation or false statements made in the course of carrying on the business of a solicitor;
3. Any violation of this chapter, other regulation of the city or any applicable state or federal law;
4. Conviction after submission of the registration form for a solicitor's permit of a felony or misdemeanor directly relating to the occupation of solicitor, including, but not limited to, moral turpitude, assault, fraud or misrepresentation;
5. Conducting the business of a solicitor in any unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public; or
6. Violation of any part of this chapter by any employer of a permit holder, regardless of whether the employer is separately licensed under this chapter.

B. The revocation of a permit held by an individual, corporation, partnership or other organization which serves as the employer or principal for individual solicitors shall constitute a basis for revoking the permit and permit credentials issued to individual solicitors employed by or acting as agents for such individual, corporation, partnership or organization.

C. Revocation of a permit and permit credentials for two or more persons who are employees or agents of an individual, corporation, partnership or organization shall constitute a basis for revoking the permit and credentials issued to the employer or principal, as well as the permit and permit credentials issued to all other employees or agents of that employer or principal.

D. Notice of revocation of a solicitor's permit shall be given by the city manager in writing, setting forth specifically the grounds for revocation. The notice of revocation shall be mailed, postage prepaid, to the holder of the permit credentials at his or her last known address, with a copy to the individual, corporation, partnership or organization that employs the person whose permit credentials have been revoked, if applicable. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.070 Limitation on times for soliciting.

Soliciting without a prearranged appointment is permitted between the hours of 10:00 a.m. and 8:00 p.m., Monday through Sunday. (Ord. 2015-516 § 2; Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.080 No soliciting signs – Compliance.

No solicitors shall solicit at a residence that has a sign posted on the premises that prohibits soliciting, including but not limited to a “No Soliciting” sign. A solicitor unlawfully violates this section if he or she knocks on the door of a residence, or otherwise enters property, or leaves sales literature on the door, doorstep, porch, entryway or elsewhere on the property of any location where such signage has been prominently displayed. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).

5.08.085 Use of streets.

No solicitor shall have any exclusive right to any location in the public streets or city right-of-way, nor be permitted to operate in any congested area where operations might create safety problems or impede vehicular or pedestrian traffic. (Ord. 2014-500 § 1 (Exh. A)).

5.08.090 Violation – Penalty.

Except as otherwise provided in Chapter 5.15 NMC, violation of any provision of this chapter is a misdemeanor and any person, business, company, firm or corporation who violates any of the provisions of this chapter shall upon conviction be punished by a fine up to \$1,000 and/or imprisonment for a term not to exceed 90 days. (Ord. 2014-500 § 1 (Exh. A); Ord. 2005-312 § 1).