

ORDINANCE NO. 3902

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 4.12 OF THE EDMONDS CITY CODE RELATED TO PEDDLERS, SOLICITORS AND STREET VENDORS; EXPRESSLY PERMITTING MOTORIZED MOBILE VENDORS WITHIN CERTAIN AREAS OF THE CITY; ESTABLISHING A REVIEW OF MOTORIZED MOBILE VENDORS WHEN THE NUMBER OF PERMITTED MOBILE VENDORS REACHES FIFTEEN; AMENDING PORTIONS OF CHAPTERS 16.43, 16.50, 16.55, AND 16.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO LIST MOTORIZED MOBILE VENDORS AS AN EXCEPTION TO OPERATING RESTRICTIONS WITHIN CERTAIN COMMERCIAL ZONES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, motorized mobile vendors (food trucks) are a growing trend across the United States; and

WHEREAS, the City of Edmonds has received a number of requests for operating motorized mobile vending units within the City; and

WHEREAS, there is confusing and conflicting language within the Edmonds City Code and Edmonds Community Development Code as to whether motorized mobile vendors are an allowed activity within Edmonds; and

WHEREAS, the City of Edmonds wishes to expressly permit motorized mobile vendors within specific areas within the City; and

WHEREAS, after a public hearing on August 6, 2012, the City Council approved proposed amendments to the Edmonds City Code and Edmonds Community Development Code relating to motorized mobile vendors; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Peddlers, Solicitors, and Street Vendor Regulations. Chapter 4.12 of the Edmonds City Code, entitled “Peddlers, Solicitors and Street Vendors,” is hereby

amended to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~strike-through~~).

Section 2. Amendment to Chapter 16.43 ECDC BD – Downtown Business. Section 16.43.040 of the Edmonds Community Development Code, entitled “Operating Restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.43.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public uses such as utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers’ markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
7. Bistro and outdoor dining meeting the criteria of ECDC 17.70.040;
8. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.
9. Motorized and Nonmotorized Mobile vending units meeting the criteria of Chapter 4.12 ECC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

Section 3. Amendment to Chapter 16.50 ECDC BC – Community Business. Section 16.50.030 of the Edmonds Community Development Code, entitled “Operating Restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.50.030 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except:

1. Public utilities and parks;
2. Off-street parking and loading areas, and commercial parking lots;
3. Drive-in businesses;
4. Plant nurseries;
5. Seasonal farmers' markets;
6. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.
7. Motorized and Nonmotorized Mobile vending units meeting the criteria of Chapter 4.12 ECC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

Section 4. Amendment to Chapter 16.55 ECDC CW – Commercial Waterfront. Section 16.55.030 of the Edmonds Community Development Code, entitled “Operating Restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.55.030 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building except for:

1. Petroleum products storage and distribution;
2. Sales, storage, repair and limited building of boats;
3. Public parks;
4. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC.
5. Motorized and Nonmotorized Mobile vending units meeting the criteria of Chapter 4.12 ECC.

B. Nuisances. All uses shall comply with Chapter 17.60 ECDC, Performance Standards.

Section 5. Amendment to Chapter 16.60 ECDC CG – General Commercial. Section 16.60.040 of the Edmonds Community Development Code, entitled “Operating Restrictions,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

16.60.040 Operating restrictions.

A. Enclosed Building. All uses shall be carried on entirely within a completely enclosed building, except the following:

1. Public utilities;
2. Off-street parking and loading areas;
3. Drive-in business;
4. Secondary uses permitted under ECDC 16.60.010(B);
5. Limited outdoor display of merchandise meeting the criteria of Chapter 17.65 ECDC;
6. Community-oriented open air markets or seasonal farmers markets;
7. Outdoor dining meeting the criteria of Chapter 17.75 ECDC.
8. Motorized and Nonmotorized Mobile vending units meeting the criteria of Chapter 4.12 ECC.

Section 6. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

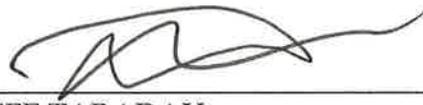
APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	11-30-2012
PASSED BY THE CITY COUNCIL:	12-04-2012
PUBLISHED:	12-09-2012
EFFECTIVE DATE:	12-14-2012
ORDINANCE NO. <u>3902</u>	

SUMMARY OF ORDINANCE NO. 3902

of the City of Edmonds, Washington

On the 4th day of December, 2012, the City Council of the City of Edmonds, passed Ordinance No. 3902. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 4.12 OF THE EDMONDS CITY CODE RELATED TO PEDDLERS, SOLICITORS AND STREET VENDORS; EXPRESSLY PERMITTING MOTORIZED MOBILE VENDORS WITHIN CERTAIN AREAS OF THE CITY; ESTABLISHING A REVIEW OF MOTORIZED MOBILE VENDORS WHEN THE NUMBER OF PERMITTED MOBILE VENDORS REACHES FIFTEEN; AMENDING PORTIONS OF CHAPTERS 16.43, 16.50, 16.55, AND 16.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO LIST MOTORIZED MOBILE VENDORS AS AN EXCEPTION TO OPERATING RESTRICTIONS WITHIN CERTAIN COMMERCIAL ZONES; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of December, 2012.


CITY CLERK, SANDRA S. CHASE

CHAPTER 4.12 PEDDLERS, SOLICITORS AND STREET VENDORS

4.12.010 Definitions.

A. "Solicitor" or "peddler" means any person who shall sell, offer for or expose for sale, or who shall trade, deal or traffic in any goods or services in the city by going from house to house or from place to place or by indiscriminately approaching individuals.

1. Sales by sample or for future delivery, and executory contracts of sale by solicitors or peddlers are included; 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.

2. Any person who, while selling or offering for sale any goods, services 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, except as noted in subsection B of this section.

B. "Street vendor" means any person who shall sell food, flowers, nonalcoholic beverages only, and/or other goods or services from either a motorized or nonmotorized mobile vending unit, ~~in the commercially zoned areas of the city of Edmonds, including unzoned property or right-of-way adjacent to or abutting on commercially zoned areas, shall be deemed a street vendor subject to the regulations contained in this chapter. The commercially zoned areas are those zoned Neighborhood Business (BN), Community Business (BC), Planned Business (BP), Commercial Waterfront (CW); and General Commercial (CC, CG2).~~

C. "Motorized mobile vending unit" means a truck, van or other motorized vehicle that: 1) incorporates a kitchen or other food preparation area from which prepared or prepackaged food may be sold.

D. "Nonmotorized Mobile vending unit" means a cart, kiosk or other device capable of being pushed by one person, with at least two functional wheels and positive wheel-locking devices. [Ord. 3513 § 1, 2004; Ord. 2536 § 1, 1985; Ord. 830 § 1, 1960].

4.12.020 License required.

A. 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 shall have first secured a license in the manner provided in this chapter.

1. Any person who shall sell, deliver or peddle any dairy product, meat, poultry, eel, fish, mollusk, or shellfish must first obtain a license pursuant to this chapter.

2. No licenses shall be issued or maintained for the sale of poultry or poultry products or meat or meat products which are adulterated or distributed under unsanitary conditions.

3. No licenses shall be issued for the sale of shellfish unless the vendor can produce a certificate of compliance as required by RCW 69.30.020.

B. All persons acting as a solicitor, peddler or street vendor shall comply with all laws, ordinances and regulations, including all Snohomish County health department requirements. [Ord. 3513 § 2, 2004; Ord. 2990 § 1, 1994; Ord. 2536 § 1, 1985; Ord. 830 § 2, 1960].

C. All solicitors, peddlers or street vendors must report any sales made within the City of Edmonds to the Department of Revenue as sales that have occurred within the City.

4.12.030 License fees.

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

A. Investigation Fee. New applications for a solicitor, peddler or street vendor license shall be accompanied by a nonrefundable investigation fee of \$10.00. Except as provided in section B hereof, this investigation fee shall be tendered only with the initial application of any individual.

B. Annual Fee. On January 1st of each year all solicitor, peddler and street vendor licenses shall automatically expire and be null and void unless an annual fee of \$25.00 is paid to the city clerk; provided, however, for licenses issued after June 30th of any year, only one-half of the annual fee shall be required. Any license renewed after June 30th of any year shall be treated as a new application and subject to the investigation fee. For each mobile vending unit, there shall also be an annual fee of \$200.00. Associated solicitor, peddlers and street vendors, and mobile vending units operated as an adjunct to an existing licensed business shall pay any fee(s) set forth in subsection C of this section.

C. Associated Solicitor, Peddler and Street Vendor, and Associated Mobile Vendor Fee. An annual fee of \$8.00 per year per person or unit shall be paid by the following person or unit(s) licensed:

1. For each additional person soliciting, peddling or vending under a principal applicant's license issued pursuant to subsection B of this section; and/or
2. For each mobile vending unit operated as an adjunct to an existing licensed business on a site immediately adjacent to the business and authorized for use pursuant to a street use permit.

The fees provided for by this section shall not be reduced after June 30th as provided for annual fees in subsection B of this section.

D. Exemptions. The following persons shall be exempt from license fees and applications required under this chapter:

1. Newspaper carriers;
2. Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 USC Section 501(c)(3) or other similar civic, charitable or nonprofit organizations;
3. Peddlers of fruits, vegetables, berries, eggs or any farm produce edibles raised, gathered, produced or manufactured by such person;
4. A person who, after having been specifically requested by another to do so, calls upon that other person for the purpose of displaying goods, literature or giving information about any article, thing, product or service;
5. Notwithstanding the exemptions provided herein, all exempt persons must provide proof of their exempt status along with photo identification upon request by a prospective customer or law enforcement officer;

6. Exempt persons are exempt only from city business licensing requirements and must comply with all provisions of law, ordinance and regulations and all applicable Snohomish County health district requirements. [Ord. 3096 § 1, 1996; Ord. 2990 § 2, 1994; Ord. 2536 § 1, 1985; Ord. 2435 § 4, 1984; Ord. 1619 § 1, 1972; Ord. 830 § 3, 1960].

4.12.040 License application – Information required.

A. Any person, firm or other organization desiring to secure a solicitor's, peddler's or street vendor's license shall apply therefor in writing to the city clerk, on forms provided by the city, and such application shall set forth as to each solicitor, peddler or street vendor as 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 preceding 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 Edmonds, 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;
6. Written approval for the vending site from the abutting property owner and/or tenant in accordance with ECC 4.12.055(L); and
7. Such other information as reasonably required by city officials.

B. For each person soliciting, peddling or street vending within the city of Edmonds 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 city clerk on forms provided by the city and shall set forth as to each such person the following:

1. His or 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 or her age and general personal description as required by the city;
4. Any and all facts relating to any conviction of crimes as such information may be required by the city in the application form; and
5. Such other information as reasonably required by city officials.

C. The city clerk shall refer the application to the chief of police, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police shall forward the results of the investigation to the city clerk.

D. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the city clerk shall, upon payment of the prescribed fee, issue

the license to the applicant. The city clerk shall deny the applicant the license if the applicant has:

1. Committed any act consisting of fraud or misrepresentation;
2. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
3. Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, solicitor or street vendor and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;
4. Been charged with a misdemeanor or felony of the type defined in subsection (D)(3) of this section, and disposition of that charge is still pending;
5. Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and
6. Made any false or misleading statements in the application.

E. Every peddler shall be required to carry the peddler's license and display it along with photo identification upon request by a prospective customer or law enforcement officer.

F. The city clerk is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check, and the form of the application. [Ord. 3513 § 3, 2004; Ord. 2990 § 3, 1994; Ord. 2536 § 1, 1985; Ord. 1619 § 2, 1972; Ord. 830 § 4, 1960].

4.12.050 Investigation of applicants.

It shall be the duty of the chief of police to investigate each applicant made under ECC 4.12.040, in which investigation the chief of police shall determine:

- A. 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;
- B. If the applicant and/or its solicitor, peddler or street vendor has a criminal record;
- C. The truth of the facts set forth in the application; and
- D. If the applicant or solicitor, peddler or street vendor proposes to engage in a lawful and legitimate commercial or professional enterprise.

Such investigation must be completed within a reasonable time. [Ord. 2536 § 1, 1985; Ord. 830 § 5, 1960].

4.12.055 Street vendor requirements.

Any person seeking a permit for a street vendor license under the definition of this chapter shall comply with the following requirements:

- ~~A. Prior to issuance of any street vendor permit, the applicant shall submit and receive approval by the architectural design board for the design of the mobile vending cart and any signage.~~

BA. Mobile vending units may be allowed to operate within the following commercially zoned areas including unzoned property or right-of-way adjacent to or abutting commercially zoned areas:

1. Motorized and Nonmotorized mobile vending units: Neighborhood Business (BN), Community Business (BC), Planned Business (BP), Downtown Business Zones (BD1, BD2, BD3, BD4 and BD5), Commercial Waterfront (CW), General Commercial (CG, CG2), Firdale Village Mixed-Use (FVMU), Medical Use (MU) and Public Use (P).

B. In addition to the licensing requirements of this chapter, any street vendor shall be required to obtain a street use permit. Application fees for street use permits are those established by the city council by resolution in its sole legislative discretion. Application fees shall be paid to city prior to issuance of any permit.

C. All advertising shall be placed on the nonmotorized mobile vending unit and will not be allowed on the street or sidewalk. Maximum sign area allowed shall be 10 square feet.

D. The vending site shall be kept clean and orderly at all times, and the vendor must provide a refuse container and is encouraged to provide containers for recycling. No portion of a vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the city, nor upon any public street or right-of-way, without the issuance of a street use permit for a mobile vending unit issued pursuant to ECC 4.12.030(B) and (C).

E. The city reserves the right to limit the number of vending permit sites in any given area of the downtown City. The development services director 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. When the number of permitted mobile vendors reaches fifteen (15), a review before the City Council is triggered to determine if the number of mobile vendors should be limited. The City Council review may consider the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic, number of complaints, and locations where the vending units are located.

F. If located on a sidewalk, a minimum clearance of five feet shall be maintained by any street vendor.

G. Street vendors shall not locate within that portion of improved street right-of-way designed for vehicular traffic or parking. Street vendors seeking to locate in improved street rights-of-way or on sidewalks shall be oriented toward pedestrian traffic movement or safety. Any application to locate a street vendor in the street right-of-way shall require approval by the city traffic engineer and shall not interfere in any way with vehicular or pedestrian traffic or safety.

H. 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.

I. Street vendors are prohibited in parks. Street vendors may operate in parks if they have a concession agreement with the City of Edmonds to operate on a specific park property.

J. Street vendors are prohibited and in residentially zoned areas, and unzoned property or right-of-way adjacent to or abutting the residentially zoned areas.

~~J. Street vendors are prohibited from occupying parking spaces on city property or in improved city rights-of-way reserved for vehicular traffic, parking or other transportation.~~

K. All street vendors shall comply with all applicable Snohomish County health district requirements.

L. The applicant shall submit with his application a copy of the written approval for the vending site from the ~~abutting property owner and/or tenant~~ property owner when locating on private property. When locating on a sidewalk within the right-of-way, the applicant shall have written approval for the vending site from the abutting property owner and/or tenant. In the event that the property owner or tenant shall disagree, the property owner's decision shall be final.

1. In the event that the proposed site is on or abuts property owned by the city of Edmonds, the applicant shall be required to obtain the city's approval. Approvals relating to park property shall be handled as a request to let a concession under the terms of this chapter. Request for sites abutting all other public land owned by the city shall be forwarded to the city council for their review and approval.

2. In the event that the proposed site is on or abuts publically owned property not owned by the City of Edmonds, the applicant shall be required to obtain approval from the public entity that owns the property.

23. In the event that the site for which approval is sought abuts vacant land, the applicant shall make reasonable written attempts to secure the approval of the property owner. If the applicant is unable to do so, the city may accept written proof of such attempts and issue a conditional permit. If a complaint is later received from the owner of the land, the license shall be revoked. The granting of such a conditional license shall vest no right in the applicant.

M. When locating within a parking lot of a private location, the applicant shall:

1. Identify the location the mobile vending unit will be located and provide a circulation plan. The location and circulation plan shall require approval by the city traffic engineer to ensure the vending unit will not interfere in any way with vehicular or pedestrian traffic or safety.

2. Demonstrate that the site will meet the parking requirements of ECDC 17.50 excluding the parking space(s) occupied by the mobile vending unit.

N. The maximum permissible size for any nonmotorized mobile vending unit shall be:

1. Thirty square feet for sidewalk locations; and

2. Fifty square feet for locations within the street or other public right-of-way or when located on private property.

3. In no event shall any nonmotorized mobile vending unit exceed 10 feet in length. [Ord. 3513 § 4, 2004; Ord. 3270 § 1, 1999; Ord. 2536 § 1, 1985].

O. During special events held within the City where food providers are required to pay a fee to participate (Such as the Edmonds Art Festival and Taste of Edmonds), no mobile vending units may be allowed to operate within ~~one-quarter~~ (¼) mile of the special event.

4.12.060 Issuance of license – Expiration.

The chief of police shall determine, within a reasonable time, from his investigation, that the facts set forth in the application are true, that the purpose of the applicant and its solicitors, peddlers or street vendors is to engage in a lawful and legitimate commercial or professional enterprise.

Having determined these facts, he shall then approve the application and the city clerk may issue the license applied for. Such license shall expire on the 31st day of December of the year in which such license has been issued. Except as hereinafter provided, no license shall be issued until the conclusion of the aforesaid investigation. [Ord. 2536 § 1, 1985; Ord. 830 § 6, 1960].

4.12.065 Soliciting and peddling restrictions.

All licenses issued pursuant to this chapter shall be subject to the following time and location restrictions:

A. Fourth of July Fireworks Display. For the purpose of crowd and traffic control on the Fourth of July, all soliciting after 6:00 p.m. within one mile of the official fireworks display shall take place only within the confines of the fireworks viewing area as designated by the chief of police on the Civic Center playfield.

B. No peddler or solicitor shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a “No Peddlers” or “No Solicitors” sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers.

C. No peddler or solicitor shall engage in the business of peddling between the hours of 8:00 p.m. and 9:00 a.m. [Ord. 3513 § 5, 2004; Ord. 2990 § 4, 1994; Ord. 2370 § 1, 1983].

D. Motorized and nonmotorized mobile vending units which are located directly adjacent to residentially-zoned property may not operate between the hours of 9:00 p.m. and 8:00 a.m. Motorized and nonmotorized mobile vending units not located directly adjacent to residentially-zoned property may not operate between the hours of 11:00 p.m. and 6 a.m.

4.12.070 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 Edmonds, and shall be exhibited by any such solicitor, peddler or street vendor whenever and wherever he or she shall be requested to do so by any police officer or any person solicited. [Ord. 2536 § 1, 1985; Ord. 830 § 7, 1960].

4.12.080 Revocation of license.

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

- A. Failure to comply with the terms of this chapter;
- B. Misrepresentation of facts in the licensee's application for the necessary permits;
- C. Failure to comply with the terms of a valid street use permit;
- D. Creation of a hazard to the public health or safety; or
- E. As otherwise provided herein. [Ord. 2536 § 1, 1985; Ord. 830 § 8, 1960].

4.12.085 Appeal procedure.

A. Whenever the city clerk determines that there is cause for denying any license application or revoking any license issued pursuant to this chapter, the clerk shall notify the person holding the license using at least one of the following methods: 1) registered or 2) certified mail, return receipt requested or 3) personal service on the licensee. Notice mailed to the address on the license shall be deemed received three days after mailing. The notice shall specify the grounds for the denial or revocation of a license.

B. The applicant or licensee may appeal the decision of the city clerk to deny or revoke a license by filing a written notice of appeal to the city council within 48 hours of the city clerk's decision.

C. Upon timely receipt of the notice of appeal, the city clerk shall set a date for hearing the appeal, which shall occur within 10 days of receipt of the appeal. The city clerk shall mail notice of the date of the hearing to the applicant or licensee at least five days prior to the hearing date.

D. The hearing shall be de novo. The city council may affirm, reverse or modify the city clerk's decision.

E. The decision of the city council shall be final. Any person desiring to appeal must file an appropriate action in Snohomish County Superior Court within 14 days of the city council's decision. [Ord. 2990 § 5, 1994].

4.12.090 Purchase orders – Form and content.

All orders taken by license 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 employer, the terms thereof, and the amount paid in advance, and one copy shall be given to the purchaser. [Ord. 2536 § 1, 1985; Ord. 830 § 9, 1960].

4.12.100 Penalties.

Any person or persons who violate or fail to comply with any of the provisions of this chapter shall upon conviction of said violation be punished as provided in ECC 5.50.020. [Ord. 2536 § 1, 1985; Ord. 1619 § 3, 1972; Ord. 830 § 10, 1960].

4.12.110 Severability.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof, other than the part declared to be invalid. [Ord. 2536 § 1, 1985; Ord. 830 § 11, 1960].

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

SUMMARY OF ORDINANCE NO. 3902

of the City of Edmonds, Washington
On the 4th day of December, 2012, the City Council of the City of Edmonds passed Ordinance No. 3902. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PORTIONS OF CHAPTER 4.12 OF THE EDMONDS CITY CODE RELATED TO PEDDLERS, SOLICITORS AND STREET VENDORS; EXPRESSLY PERMITTING MOTORIZED MOBILE VENDORS WITHIN CERTAIN AREAS OF THE CITY; ESTABLISHING A REVIEW OF MOTORIZED MOBILE VENDORS WHEN THE NUMBER OF PERMITTED MOBILE VENDORS REACHES FIFTEEN; AMENDING PORTIONS OF CHAPTERS 16.43, 16.50, 16.55, AND 16.60 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE TO LIST MOTORIZED MOBILE VENDORS AS AN EXCEPTION TO OPERATING RESTRICTIONS WITHIN CERTAIN COMMERCIAL ZONES; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of December, 2012.

CITY CLERK, SANDRA S. CHASE

Published: December 9, 2012.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3902

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

December 09, 2012

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karon E. Zeman

Principal Clerk

Subscribed and sworn to before me this

10th

day of December, 2012

Diana L Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

