

Chapter 52 -- Peddlers and Solicitors

(Adopted by Ordinance 1035, passed and effective on June 5, 2018)

52.010. Definitions. As used in this ordinance the following words have the meaning indicated:

Peddler: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. For purposes of this ordinance, the terms peddler and solicitor shall be the same.

Solicitor: is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

Canvasser: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service, or (3) not for profit organizations.

52.020. Exceptions: This ordinance shall not apply to:

1. Federal, state or local government employee or a public utility employee in the performance of their official duties.
2. Persons who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit.
3. A farmer selling his own produce grown on his farm.
4. Local not for profit organizations.

52.030. Permit required. It shall be unlawful for any person to engage in the business of peddling or soliciting as defined in Section 52.010 of this ordinance within the corporate limits of this City without first obtaining a permit as provided herein.

52.040. Application for permit. Applicants for permits under this ordinance must file with the City Clerk an application in writing which shall give the following information:

1. For the parent organization:
  - A. Name of the business/organization.
  - B. Address of business/organization (both local and permanent).
  - C. The phone number for the organization.
  - D. The email and web address, if applicable.
  - E. A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
  - F. If selling a product, a copy of the principal's sales tax number as issued by the state of Missouri.
  - G. A copy of the principal's tax ID number or social security number.
  - H. The location where books and records are kept of sales which occur within the city and which are available for city inspection to determine that all city sales taxes have been paid.
2. For each Individual Solicitor:
  - A. The name, address, a valid driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. The city will take a photograph of each person for which a card is requested at the application site.
  - B. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven years immediately prior to the application.
  - C. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a card is requested.

52.050. Investigation and issuance. Upon receipt of such application, the original shall be

referred to the Chief of Police or his designate, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. An application can be rejected if:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,
2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven years, or
3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.
4. Investigation of the company indicates possible business practices or performance that poses a risk to the citizens.

52.060. Identification Cards Required. The identification card(s) shall be issued promptly after application but in all cases within sixteen business hours of completion of an application, unless the application is rejected.

52.070. Fees generally. The fee for the issuance of each Identification Card shall be:

1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the city.....two are included with the issuance of a business license. Each additional card is \$5.00. See Chapter 54 for the price of business license
2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the city.....a fee of \$10.00 for seven days per card issued. An additional \$5.00 for each additional week. These weeks do not have to be consecutive, but the names on the cards cannot be changed without new application.
3. For a canvasser, no fee unless a ID card is requested then \$5.00 per ID.

52.080. Permit Nontransferable. No permit issued under this Chapter shall be transferable or assignable.

52.090. Display of Identification Card. Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual, as so to be reasonably visible to any person who might be approached by said person.

52.100. Denial; Administrative Revocation. If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one or more persons he shall immediately convey the decision to the applicant orally and shall within 16 working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification, and even before the preparation of the written report, the applicant shall have at his option an appeal of the denial of his application before the following tribunal:

The city council, at its next regular meeting, or if the next regular meeting is more than 10 days from the denial of the application, at a special meeting to be held within that ten-day period, due notice of which is to be given to the public and the applicant.

52.110. Revocation of Card. In addition to the administrative revocation of an identification card, a card may be revoked by the Mayor or a designate for any of the following reasons:

1. Any violation of this Ordinance by the applicant or by the person for whom the particular card was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven years.
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

52.120. Appeal. The appeal for administrative denial or revocation of a permit can be done by the city council, at its next regular meeting, or if the next regular meeting is more than 14 business days then a special meeting will be held.

52.130. General Prohibitions. No peddler, solicitor or canvasser shall:

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing.
  - A. Such sign need not exceed one square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two inches in height. (The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers)
2. Remain upon any private property where a notice in the form of a sign or sticker

is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

3. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
5. Enter upon the property of another except between the hours of 9:00 a.m. and 8:00 p.m.
6. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this Ordinance, the judgment of the mayor or a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
7. No peddler, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said City or upon any private premises in the said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell."