

CHAPTER 630: PEDDLERS, SOLICITORS AND CANVASSERS

Editor's Note—Ord. no. 03-5-4, adopted May 19, 2003, repealed ch. 630 and enacted the new provisions set out herein. Former ch. 630 derived from CC 1973 §§26-2—26-5, 26-17—26-24; ord. no. 5017 §1, 8-13-51 and ord. no. 6710, 11-23-78.

Cross Reference—Licenses and Business Regulations, Ch. 605; Begging Prohibited, §230.010.

State Law Reference—Authority of City to License Itinerant Vendors, Peddlers, RSMo. §94.110, 150.380.

SECTION 630.010: DEFINITIONS

As used in this Chapter, the following words have the meaning indicated:

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.

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. A "peddler" does not include a person 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. Such a person is a "solicitor".

SOLICITOR: 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, education, 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. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.020: EXCEPTION

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.030: IDENTIFICATION CARD REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one (1) upon request. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.040: FEE

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 \$ 5.00

- 2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City \$10.00
- 3. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence) 5.00
- 4. For a canvasser requesting an identification card 5.00
(Ord. No. 03-5-4, 5-19-03)

SECTION 630.050: APPLICATION FOR IDENTIFICATION CARD

Any person or organization (formal or informal) may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.060: CONTENTS OF APPLICATION

The applicant (person or organization) shall provide the following information:

- 1. Name of applicant.
- 2. Number of identification cards required.
- 3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a 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. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.
- 4. The permanent and (if any) local address of the applicant.
- 5. The permanent and (if any) local address of each person for whom a card is requested.
- 6. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed should be submitted with this description).
- 7. Date and place of birth for each person for whom a card is requested and the Social Security number of each person.
- 8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
- 9. 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. This includes any vehicles(s) used to transport persons who are issued cards.
- 10. If a card is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. 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.

11. If a card is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations (or proceeds) are accepted.
 - b. The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.070: ISSUANCE OF IDENTIFICATION CARD

The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) 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 (7) years, or
3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.080: INVESTIGATION

During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section 630.070, the identification card will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an identification card, the investigation will proceed as described above, but if the City refuses to issue the identification card (or revokes it after issuance), the canvassers will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.090: IDENTIFICATION CARDS OF OTHER CITY

Instead of the application procedure above, if an applicant produces identification cards issued by another City having an ordinance substantially the same as this one, the issuing officer may in his discretion immediately issue identification cards without the necessity of a formal application or investigation. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.100: DENIAL—ADMINISTRATIVE REVOCATION

If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one (1) or more persons, he shall immediately convey the decision to the applicant orally and shall within sixteen (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 may appeal the denial of his application in the following manner:

1. In an administrative hearing, conducted by the City Manager or his designate, provided that such an appeal is requested, in writing, within ten (10) days of the denial of the application. The administrative hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.110: HEARING ON APPEAL

If the applicant requests a hearing under Section 630.100, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri, and review from the decision (on the record of the hearing) shall be had to the Circuit Court of Clay County. The hearing shall also be subject to the Missouri Open Meetings and Records law. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.120: DISPLAY OF IDENTIFICATION CARDS

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. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.130: VALIDITY OF IDENTIFICATION CARD

An identification card shall be valid within the meaning of this Chapter for a period of three (3) months from its date of issuance or the term requested, whichever is less. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.140: REVOCATION OF CARD

In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

1. Any violation of this Chapter 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 (7) 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.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer (or his designee) pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 630.110 above. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.150: "NO VISIT" LIST

The issuing officer shall maintain a list of persons within the City who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors and canvassers. The issuing officer may provide a form to assist residents and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document, reproduced on the City's web site, and available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for and each recipient of an identification card. If a canvasser chooses not to apply for an identification card, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.160: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
3. No handbill or flyer shall be left at or attached to any of the property:
 - a. Listed on the City "no visit" list, or
 - b. Having a "no solicitor" sign of the type described in Section 630.170 (A) or (B).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.170: 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. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) 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. Enter upon any private property where the current occupant has posted the property on the City's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.
4. 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.
5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.180: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass. (Ord. No. 03-5-4, 5-19-03)

SECTION 630.190: SEVERABILITY

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses, phrases and words of this Chapter are severable, and if any Section, paragraph, sentence, clause, phrase or word(s) of this Chapter shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining Sections, paragraphs, sentences, clauses, phrases and words of this Chapter since the same would have been enacted by the City Council without the incorporation in this Chapter of any such unconstitutional or invalid portion of the ordinance. (Ord. No. 03-5-4, 5-19-03)