

**AN ORDINANCE APPROVING AMENDMENTS TO MUNICIPAL
CODE CHAPTER 610, REGULATIONS PERTAINING TO PEDDLING,
SOLICITING AND CANVASSING.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN
OAKS AS FOLLOWS:**

Section 1: Chapter 610 of the Twin Oaks Code pertaining to Peddling, Soliciting and Canvassing, is hereby amended by repealing Chapter 610 in its entirety and adopting a new Chapter 610 to read as follows:

Chapter 610 Peddling, Soliciting and Canvassing

Section 610.010 Definitions.

The following words, terms and phrases and their derivations used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

CANVASSER

Any 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.

CHARITABLE

Includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educations, civic, cultural or fraternal, either actual or purported.

PEDDLER

Any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Chapter. 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 a resident for purchase at a location away from his/her residence or at a time different from the time of visit.

PEDDLING

Includes all activities ordinarily performed by a peddler as indicated in the definition of "peddler."

SOLICITATION; SOLICITING

Includes all activities ordinarily performed by a solicitor as indicated in the definitions of commercial solicitor or non-commercial solicitor.

SOLICITOR, COMMERCIAL

Any person who goes upon the premises of any private resident in the City, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future.

SOLICITOR, NON-COMMERCIAL

Any person who goes upon the premises of any private resident in the City, not having been invited by the occupant thereof, for the purpose of requesting contribution of funds or anything of value or sell goods or services for political, charitable, religious or other non-commercial purposes.

Section 610.020 Peddlers/Commercial Solicitors Permit Required.

- A. It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or commercial solicitation activities within the City of Twin Oaks without first obtaining a permit issued by the City Clerk.
- B. No permit is required for canvassing and non-commercial solicitation.

Section 610.030 Peddlers/Commercial Solicitors Permit Application.

- A. *Permit.* Every person subject to the provisions of this Chapter shall, prior undertaking peddler/commercial solicitation activities, file with the City an application in writing on a form to be furnished by the City, which shall provide the following information:
 - 1. Proof of age, address and identification of the applicant to be provided through the applicant's driver's license, articles of incorporation (for sponsors) or other legally recognized form of identification;
 - 2. A brief description of the business or activity to be conducted;
 - 3. The hours, location and length of time for which the right to peddle or solicit is desired;
 - 4. If employed, the name, address and telephone number of the employer; or if acting as

an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the same may be;

5. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;
6. Proof of possession of any license or permit which, under Federal, State or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirement of this Chapter.

B. *Fees.* At the time the application is filed with the City, the applicant shall pay a \$5.00 fee to cover the cost to the City of processing the application and investigating the facts stated therein.

C. *Application Review and Permit Issuance.*

1. Upon receipt of an application, the City Clerk or authorized representative shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
2. If the City finds the application to be satisfactory, the City Clerk shall endorse approval on the application and shall, upon receipt of the prescribed fee, issue the required permit to the applicant.
3. The permit shall show the permittee's name and address, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

Section 610.040 **Reserved.**

Section 610.050 **Reserved.**

Section 610.060 **Denial of Peddlers/Commercial Solicitors Permit.**

- A. Upon the City's review of the application, the City Clerk may refuse to issue a permit to the applicant under this Chapter for any of the following reasons:

1. The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 2. An investigation reveals that the applicant falsified information on the application;
 3. The applicant has pleaded guilty or nolo contendere to, or been convicted of, violating any of the provisions of Section 566.032, RSMo., statutory rape and attempt to commit; or Section 566.067, RSMo., child molestation, first degree; or Section 566.068, RSMo., child molestation, second degree; or Section 566.083, RSMo., sexual misconduct involving a child; or Section 566.086, RSMo., sexual contact with a student while on public school property; or Section 566.151, RSMo., enticement of a child; or Section 566.212, RSMo., sexual trafficking of a child; or Section 566.213, RSMo., sexual trafficking of a child under age twelve; or Subsection 2 of Section 568.020, RSMo., incest; or Section 568.045, RSMo., endangering the welfare of a child in the first degree; or Subsection 2 of Section 568.080, RSMo., use of a child in a sexual performance; or Section 568.090, RSMo., promoting a sexual performance by a child; or Section 573.023, RSMo., sexual exploitation of a minor; or Section 573.025, RSMo., promoting child pornography; or Section 573.035, RSMo., promoting child pornography in the second degree; or Section 573.037, RSMo., possession of child pornography; or Section 573.040, RSMo., furnishing pornographic material to minors;
 4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered;
 5. There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 6. The applicant has been denied a permit under this Chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.
- B. The City Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

Section 610.070 Permit Expiration.

All peddler/commercial solicitation permits issued under the provisions of this Chapter shall expire two (2) weeks from the date of issuance unless an earlier expiration date is noted on the permit.

Section 610.080 Permit Exhibition.

Every person required to obtain a peddler/commercial solicitation permit under the provisions of this Chapter shall exhibit the permit at all times in plain sight for residents and/or City employees to see.

Section 610.090 Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use any peddler/commercial solicitation permit issued under the provisions of this Chapter.

Section 610.100 Hours and other Regulations.

- A. To the extent permitted by applicable law, no person, while peddling, soliciting, or canvassing, whether licensed or unlicensed, shall enter upon any private property, knock on doors, or otherwise disturb persons in their residences between the hours of 8:00 P.M. and 9:00 A.M. Sunday through Saturday.
- B. No peddler, solicitor or canvasser shall:
 - 1. Enter upon any private property where the property has clearly posted a sign or decal indicating a prohibition against solicitation, canvassing and/or transient merchant activities. Such sign or decal need not exceed one (1) square foot in size and may contain words such as "No Soliciting" or "No Solicitors"; and
 - 2. Remain upon any private property where a notice in the form of a sign or decal, which contains the words "No Soliciting" or "No Solicitors", is placed upon any door or entranceway leading into the residence or dwelling through which guests would normally enter, and is visible; and
 - 3. Use or attempt to use any entrance other than the front or main entrance to the dwelling, including any designated path to that front door. If the residence or dwelling does not have a front entrance or it is obvious that the front entrance is not used, he/she shall use such entrance as is most obviously used as a guest entrance, but he/she shall not go from door to door in the residence in an attempt to avoid a "No Solicitation" or "No Solicitors" sign or decal nor travel across the grass, garden or yard area of a dwelling; and
 - 4. Remove any yard sign, door or entrance sign or decal that gives notice to such person that the resident or occupant does not invite visitors; and
 - 5. Misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity or character of any service or goods offered for sale, the purpose of his/her visit, his/her identity, or the identity of the organization he/she represents.
- C. In addition to the other regulations contained herein, a peddler, solicitor or canvasser

leaving handbills or 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 City may remove any handbill or flyer found within the right-of-way; and
 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; and
 3. No handbill or flyer shall be left at or attached to any property having a "No Solicitation" or "No Solicitor" sign or decal of the type described in Subsection (A) above.
- D. The prohibitions contained in Subsection (B)(1 - 3) and (C)(1 - 2) of this Section shall not apply when a peddler, solicitor or canvasser has the express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any property whether posted or not.
- F. The prohibitions in this Section shall also not apply when a peddler, solicitor or canvasser wishes to place an ad in any newspaper of general circulation in the City.

Section 610.110 Permit Revocation.

- A. Any permit issued under this Chapter may be revoked or suspended by the City Clerk, after notice and hearing, for any of the following reasons:
1. Fraud, misrepresentation or false statement contained in the application for a permit;
 2. Fraud, misrepresentation or false statement made by the permittee in the course of conducting commercial solicitation or peddling activities;
 3. Conducting peddling or commercial solicitation activities contrary to the provisions contained in the permit or this Chapter;
 4. Conviction for any crime listed in Section 610.060A.3 above; or
 5. Conducting peddling or commercial solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

Section 610.120 Notice and Hearing.

Notice of a hearing for revocation of a permit issued under this Chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 610.130 Appeals.

- A. Any person aggrieved by the action or decision of the City Clerk to deny, suspend or revoke a permit applied for under the provisions of this Chapter shall have the right to appeal such action or decision to the Board of Aldermen within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form or to his or her last known address.
- B. An appeal shall be taken by filing with the City Clerk a written statement setting forth the grounds for the appeal.
- C. The City Clerk shall transmit the written statement to the Board of Aldermen within ten (10) days of its receipt and the Board of Aldermen shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Board of Aldermen on the appeal shall be final and binding on all parties concerned.

Section 610.140 Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a permit fee, shall cite to the City Clerk the Statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption.

Section 610.150 Violations and Penalties.

- A. Violation of any of the provisions of this Chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.
- B. In addition to any enforcement in municipal court, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

Section 610.160 Sale of Goods or Services Prohibited In Public Rights-of-Way.

Notwithstanding the other terms and conditions of this Chapter of the City of Twin Oaks, the

sale of goods and services for profit within the rights-of-way is prohibited.

Section 610.170 Severability.

The provisions of this Chapter are declared to be severable. If any Section, sentence, clause, or phrase of the Chapter shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining Sections, sentences, clauses, and phrases of this Chapter, but they shall remain in effect; it being the legislative intent that this Chapter shall remain in effect notwithstanding the validity of any part.

**Delete Attachment 1 ("Exhibit 1")*

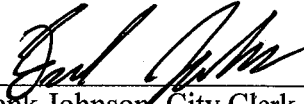
Section 2: This ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 16th DAY OF JUNE 2021.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk