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Solicitor/Canvasser/Peddler Application

Fees: \$50.00 Investigation/Fingerprint Fee
 \$35.00 License Fee

Minimum \$25,000 General Liability Insurance Required

Photo Identification of all applicants required

Date of Application: _____ Missouri Sales Tax #: (include current certificate of no tax due)

Dates of Solicitation: From: _____ To: _____

Name of Business: _____ Type of Business: _____

Permanent Place of Business Address: _____ Business Phone #: _____

City – State – Zip Code: _____

Applicant Information (attach business credentials) Proprietor: Agent: Other: If other explain:

Last Name: _____ First Name: _____ Middle Initial: _____ Sex: Male: _____ Female: _____

Date of Birth: _____ Drivers License #: _____ Social Security #: _____

Home Phone #: _____ E-mail Address: _____

Current Address: _____

City – State – Zip Code: _____

Vehicle Information: License#: _____ Make/Model: _____ Color: _____

List Nature of business and type of goods to be sold: _____

Product information Farm/Orchard: Yes: _____ No: _____ Grown by Applicant: Yes: _____ No: _____

List where you have been doing business the past 6 months, giving town, post office address in said town and the nature of business engaged in. _____

Names, addresses & telephone numbers of three persons for references as to your character and business responsibility. _____

Have any of the applicants listed ever been convicted or plead guilty to a felony, misdemeanor, crime or violation of any municipal ordinance? If so, what was the nature of the offense and punishment assessed therefore? Give City and State where the offense occurred. _____

The undersigned certifies the above information to be true and correct according to the undersigned's best knowledge and belief. I further certify that I am not in arrears in the payment of any tax, fee or other charge due to the city.

Applicant's Signature & Date

CITY INFORMATION License #: _____ Amount & Date Paid: _____

Chief of Police Signature: _____ Granted: _____ Denied: _____
 Investigating Officer Signature & Date: _____

Sec. 16-1. Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them:

Canvasser shall mean a solicitor.

Peddler shall mean any person who deals in the patents, patent rights, patent or other medicines, lightning rods, goods, consumables, wares or merchandise, except pianos, organs, sewing machines, books charts, maps and stationery, agricultural and horticultural products, including milk, butter, eggs and cheese, by going about from place to place to sell the same. The term "peddler" shall include the terms "hawker" and "huckster."

Solicitor Shall mean any person, whether a resident of this city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, taking or attempting to take orders for sale of goods, consumables, wares or merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided, however, that the term "solicitor" shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samplers and taking orders for future delivery.

(b) Nothing contained in this chapter which would otherwise be applicable shall apply to charitable, not for profit or educational organizations for events lasting five (5) or fewer days conducted by or organized by said organization.

(Code 1970, § 18-1; Ord. No. 3817, § 1, 8-12-03)

Sec. 16-2. Enforcement of chapter.

It shall be the duty of any police officer of this city to enforce the provisions of this chapter against any person found to be violating the same.

(Code 1970, § 18-2)

Sec. 16-3. Hours peddlers and solicitors may operate.

It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting between the hours of 8:00 p.m. and 8:00 a.m. the following morning.

(Code 1970, § 18-5)

ARTICLE II. PEDDLERS AND SOLICITORS*

Sec. 16-21. License required.

It shall be unlawful for any person to engage in business as a peddler or solicitor within the city without first obtaining a license therefor.

(Code 1970, §§ 18-16, 18-38)

Sec. 16-22. Application for license; application fee.

(a) Applicants for a license under this article shall file with the city collector a sworn application in writing, in duplicate, on a form to be furnished by the city collector which shall give the following information:

- (1)The name and description of the applicant;
- (2)The applicant's legal address;
- (3)The applicant's social security number;
- (4)The applicant's date of birth;
- (5)The applicant's state sales tax number;

***State law reference**-Peddlers, RSMo 150.470 et seq.

(6)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;

(7)If the applicant is employed, the name and address of his employer together with credentials establishing their exact relationship;

(8)The length of time for which the right to do business is desired;

(9)If a vehicle is to be used, a description of the same, together with license number or other means of identification;

(10)A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which photograph shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;

(11)The fingerprints of the applicant;

(12)A statement as to whether or not the applicant has been convicted of or pled guilty to any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment assessed therefor.

(13)A certificate of no tax due from the Missouri Department of Revenue.

(b)At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid the city collector to cover cost of processing the application.

(c) Any person applying for a license hereunder whose sole business is soliciting orders for goods to be shipped directly to the purchaser from outside of Missouri shall not be required to pay the fee listed herein for the costs of investigation.

(Code 1970, §§ 18-17, 18-39; Ord. No. 3817, § 2, 8-12-03; Ord. No. 4034, § 1, 7-20-05)

Sec. 16-23. Investigation of applicant for license.

Upon receipt of an application for a license required by this article, the original shall be referred to the chief of police who shall cause such investigation of the applicant's qualifications to determine his eligibility to receive such license.

(Code 1970, §§ 18-18, 18-40) Sec. 16-24. Issuance; denial.

(a)Upon completion of the investigation of an application for a license under this article the chief of police shall endorse on the application his approval or disapproval thereof and shall transmit such application to the city collector. Upon receipt of such license application from the chief of police and upon payment of the fee prescribed in section 16-26, the city collector shall issue a license to the applicant therefor, unless:

(1)The application is incomplete, in which case the collector shall return the application for completion and resubmission; or

(2)The application is found to contain any false or misleading statement, unless the applicant can demonstrate that the error was due to excusable neglect; or

(3)The applicant is found to have had a prior license revoked by any city, state or agency of government within five (5) years, unless the applicant can demonstrate such revocation is irrelevant to the qualification for a license under this article; or

(4)The applicant is found to lack good moral character.

(b)As used in this section, the term "good moral character" shall be construed to mean the propensity of the applicant to serve the public in a fair, honest and open manner.

(c)In determining whether an applicant possesses or lacks good moral character, the following acts can be taken into consideration:

(1)Conviction of or plea of guilty to a felony or crime involving moral turpitude within the past five (5) years;

(2)Conviction of or pleas of guilty to a crime within the past five (5) years relating to the duties and responsibilities of the occupation to be licensed. In determining whether such conviction relates to the occupation to be licensed, the following shall be considered:

(a)The nature and seriousness of the crime;

(b)The relationship of the crime to the purposes for requiring a license to engage in the occupation;

(c)The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the applicant was previously involved;

(d)The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation.

(3)The age of the applicant at the time of the commission of any act described in subsections (c)(1) and (c)(2);

(4)The conduct and work activity of the applicant prior to and following commission of any act described in subsections (c)(1) and (c)(2);

(5)Evidence of the applicant's rehabilitation or rehabilitative efforts while incarcerated or following release;

(6)Letters of recommendation from prosecution, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for the applicant, from the sheriff or chief of police in the community where the applicant reside and from any other persons in contact with the applicant;

(7)Other evidence of the applicant's present fitness, provided by the applicant, which demonstrates that the applicant has maintained a record of good conduct since his conviction.

(d)The following criminal records shall not be considered in a determination of good moral character:

(1)Records of an arrest not followed by a conviction or plea of guilty;

(2)Records of a conviction or plea of guilty which have been reversed or vacated, including the arrest records relevant to that conviction;

(3)Records of an arrest, conviction or plea of guilty to a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(e)If a license under this article is denied because the applicant therefor is found to lack good moral character or other cause, the applicant shall have the right to request a hearing within ten (10) days of such denial before the city manager or their designee. Such applicant shall be entitled to be represented by counsel, to present evidence and to examine and cross-examine witnesses at the hearing in order to demonstrate his fitness to receive such license.

(f)Licenses issued under this Article shall be in effect until the next May 31st.

(Code 1970, §§ 18-19, 18-20, 18-41, 18-42; Ord. No. 3817, § 4, 8-12-03)

Sec. 16-25. Contents of license.

A license issued under this article shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in his business.

(Code 1970, §§ 18-22, 18-44)

Sec. 16-26. License fee.

The fee for a license required by this article shall be in the amounts required by section 22-64(19) or section 22-64(24), respectively, for one (1) year or any part thereof. No fee shall be required of one selling products of the farm or orchard actually produced by the seller.

(Code 1970, § 18-21, 18-43(a).

Sec. 16-27. Public liability insurance.

Every applicant for a license required by this article shall file with the city collector proof of a liability insurance policy covering the applicant's business with at least twenty-five thousand dollars (\$25, 000.00) in public general liability coverage.

(Code 1970, § 18-46; Ord. No. 3817, § 5, 8-12-03)

Sec. 16-28. Reserved.

Editor's note-Ord. No. 3817, § s, adopted Aug. 12, 2002, repealed § 16-28, which pertained to peddler or solicitor applicants nominating the city collector as agent for service of process.

Sec. 16-29. Record of licenses issued.

The city collector shall keep a permanent record of all licenses issued under the provisions of this article.

(Code 1970, §§ 18-23, 18-45)

Sec. 16-30. Transfer of license.

No license issued under the provisions of this article shall be used at any time by any person other than the one to whom it was issued.

(Code 1970, § 18-24)

Sec. 16-31. Operational standards.

In carrying on business within the City of Warrensburg, all peddlers and solicitors shall adhere to the following operational standards:

(1)All applicable local, state, and federal laws shall be obeyed;

(2)All licenses issued hereunder shall be clearly displayed upon any vehicle, cart or conveyance used by the license holder, or if none is used, shall be exhibited upon request of any person;

(3)No stationary location may be maintained;

(4)No business shall be conducted with occupants of a vehicle located upon a public right-of way;

(5) No business shall be conducted on a public sidewalk or pedestrian way unless a four-foot wide pedestrian way is maintained free of obstruction and congestion.

(Code 1970, § 18-25; Ord. No. 3817, § 7, 8-12-02)

Cross reference-Streets, sidewalks and other public places, Ch. 20.

Sec. 16-32. Reserved.

Editor's note-Ord. No. 3817, § 8, Aug. 12, 2002, repealed § 16-32, which pertained to exhibition of licenses by peddlers and solicitors and derived from Code 1970, §§ 18-26, 18-47.

Sec. 16-33. Revocation of licenses.

(a) Licenses issued under the provisions of this article may be revoked by the city manager or his designee, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for the license;

(2) Fraud, misrepresentation or false statement in the course of carrying on his business as peddler or solicitor;

(3) Any violation of this article;

(4) Conviction of or plea of guilty to any crime or misdemeanor involving moral turpitude by the permittee;

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice to the licensee of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address at least ten (10) days prior to the date set for hearing.

(Code 1970, §§ 18-27, 18-48; Ord. No. 3817, § 9, 8-12-02)