

### **Section 6.80. - Purpose.**

This chapter is designed to:

- A. Prevent undue annoyance of City residents by peddlers and solicitors;
- B. Maximize the First Amendment rights of peddlers and solicitors, as well as the right of City residents to be secure in their homes;
- C. Reduce the opportunity for crime within the City;
- D. Attempt to provide some assurance to residents of the City that peddlers and solicitors are not burglars and criminals in disguise; and
- E. Attempt to increase the physical safety of peddlers and solicitors who go from place to place within the City.

### **Section 6.81. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser* shall mean a person who attempts to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident, for the primary purpose of 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.

*Peddler* shall mean a person who attempts to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service, for profit to himself or his principal, or seeks a donation for any cause of a profit-making or commercial character. Peddler shall not mean a student of an educational institution who attempts to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service as a fundraising activity for the benefit of an educational program or non-profit organization.

*Solicitor* shall mean a person who attempts to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident, for the primary purpose of 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. Solicitor shall not mean a student of an educational institution who attempts to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident, for the primary purpose of

attempting to obtain a donation as part of a fundraising activity for the benefit of an educational program or non-profit organization.

**Section 6.82. - Proof of solicitation.**

It shall be presumed that an individual is a peddler rather than a solicitor. This presumption may be overcome by:

- A. A showing that donations to the organization for which one wishes to solicit is exempt from federal income taxation under Section 503 of the Internal Revenue Code, and that it is a duly authorized and existing not-for-profit corporation;
- B. A showing that the organization for which one wishes to solicit is an organization whose primary purpose is to influence public policy.

**Section 6.83. - Prohibited actions.**

No person having a solicitor's or peddler's identification card, or a canvasser, shall:

- A. Enter or remain on private property where he has reason to believe that the residents thereof have indicated the solicitor, peddler, or canvasser is not welcome;
- B. Make an uninvited entry into a resident's home;
- C. Refuse to discontinue his message when requested by a hearer to do so, when on private property occupied by the hearer; or
- D. Enter upon any private property, knowing or having reason to believe that the owner or occupants do not desire to receive messages from any solicitor, peddler, or canvasser either by a posted sign or otherwise.

**Section 6.84. - Time restrictions.**

No person shall engage in acts as a peddler, solicitor, or canvasser within the City limits except from 9:00 a.m. until 8:00 p.m. Monday through Friday, and from 10:00 a.m. until 8:00 p.m. on Saturday and Sunday.

**Section 6.85. - Required.**

No person shall, as a peddler or solicitor, attempt to make personal contact with a resident at his residence without prior specific invitation or appointment from the resident unless that person obtains from the Chief of Police an identification card in accordance with the provisions of this article. This article shall not apply to canvassers, which shall not be required to obtain an identification card.

**Section 6.86. - Application.**

Applications for peddler's and solicitor's identification cards may be filled out at the Police Department, on forms provided by the Police Department.

**Section 6.87. - Special requirements for peddler's card.**

No person shall be issued a peddler's identification card unless he, or his principal, possesses a current valid Lone Jack Business License or:

- A. Provides a copy of either a valid retail sales license issued by the State Director of Revenue, as required by RSMo 144.083; or, if the applicant is exclusively a peddler of services, a valid Missouri business tax identification number; and
- B. Deposits a surety bond in the amount of one hundred dollars (\$100.00) per card with the Lone Jack Police Department, or cash in the amount of one hundred dollars (\$100.00) per card with the City Clerk, to secure collection and payment to the Missouri State Department of Revenue all City sales tax due and payable by reason of sales made within this City. Such bond shall be forfeited to the City if applicant does not, within ninety (90) days of the expiration or surrender of his peddler's card, demonstrate by affidavit or otherwise that such sales taxes have been paid.

**Section 6.88. - Investigation of applicants.**

During the period of time following the application for issuance of a peddler's or solicitor's identification card and its issuance, the Chief of Police shall make diligent investigation, as to him seems necessary, to determine that the applicant is entitled to the identification card as stated in this article. If the Chief of Police has not completed his investigation within the working days that are provided in Section 6.90, he will advise the applicant of the reason for delay.

**Section 6.89. - Card in addition to business license.**

The identification cards for peddlers and solicitors required by this article are in addition to and not in lieu of any business license such persons may be required to obtain under the provisions of this Code.

**Section 6.90. - Issuance; grounds for denial.**

Five (5) working days after the application, or sooner if reasonably possible, the requested peddler's or solicitor's identification card shall be issued, unless:

- A. The application is incomplete;

- B. The required fee, if any, has not been paid;
- C. The applicant or an individual for whom a card is requested has been convicted of one or more of the following felonies within the past five (5) years:
  - 1. Theft;
  - 2. A crime against property;
  - 3. A crime against person; or
  - 4. Any conviction resulting from a charge related to peddling or soliciting;
- D. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect;
- E. The applicant or the particular individual for whom an identification card is requested has had a previous identification card revoked;
- F. The applicant or a particular individual for whom an identification card is requested has made any false statement regarding the peddling of merchandise or the solicitation of persons under a similar ordinance or code provision of any other municipality.

**Section 6.91. - Notification of applicant of reasons for denial.**

If the Chief of Police denies a peddler's or solicitor's identification card to any person, he shall promptly notify the applicant in writing and state therein the reasons for denial.

**Section 6.92. - Hearing after denial.**

If an identification card is denied to an applicant, the applicant may, within ten (10) days of the denial, make application to the City Clerk for a hearing thereon before the Board of Aldermen. In such cases, the hearing shall be held at the next regular meeting of the Board of Aldermen.

**Section 6.93. - Fee.**

- A. Any person desiring a peddler's identification card shall pay a fee in the amount \$20.00.
- B. There shall be no fee for a solicitor's identification card.

**Section 6.94. - Validity.**

An identification card shall be valid within the meaning of this article for a period of one hundred eighty (180) days from the date of its issuance, and thereafter it shall expire.

**Section 6.95. - Transfer.**

No person having a peddler's or solicitor's identification card shall loan, transfer, or allow in any manner another person to use his card.

**Section 6.96. - Display.**

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

**Section 6.97. - Revocation.**

- A. Any identification card granted pursuant to this article may be revoked by the Chief of Police after the finding of:
  - 1. Any violation of this article by the applicant or the person for whom the particular card was issued; or
  - 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity; or
  - 3. Conviction of a crime of moral turpitude; or
  - 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.
- B. The holder of such identification card may appeal such revocation as provided in Section 6.92