

AN ORDINANCE ADDING CHAPTER 610, PEDDLERS AND SOLICITORS, TO THE CITY CODE.

WHEREAS, many citizens of this community expect their local government to assist them in preserving their privacy and avoiding petty annoyances that disrupt their quiet enjoyment of their homes, and

WHEREAS, other persons often desire to interrupt the quiet enjoyment of one's home to solicit donations for causes believed to be worthy of support, or to canvas for support for particular religious, ideological, or political causes or for reasons of prompting commerce, and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas that may be unpopular, and to engage others in debate without government interference, and

WHEREAS, the Supreme Court of the United States has consistently recognized the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved, and

WHEREAS, it is the responsibility of all units of government to balance these competing interests in a manner consistent with the Constitution of the United States and of Missouri, which attempting to minimize fraud, prevent crime, and protect the privacy of our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GREENWOOD, MISSOURI AS FOLLOWS:

Section 1. That Chapter 610, entitled "Peddlers and Solicitors," is hereby added to the City Code to read as follows:

Section 610.010 Definitions.

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

- A. "Peddler" 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 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."
- B. "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.

- C. "Canvasser" 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 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.

Section 610.020 Exceptions.

This Chapter shall not apply to:

- A. a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer;
- B. the sale, or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs, and other farm and garden produce grown or produced by the person selling the same;
- C. any person, age 16 and under who are residents of the City, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities.

Section 610.030 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 upon request. An Identification Card issued under this Chapter is not transferable or assignable.

Section 610.040 Card in addition to business license.

The identification cards for peddlers and solicitors required by this Chapter 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 610.050 Fee.

The fee for the issuance of each Identification Card shall be:

- A. For a peddler acting on behalf of a merchant whose physical address is within the city.....no fee.
- B. For a peddler acting on behalf of a merchant whose physical address is not within the city.....a fee of \$5.00 per day.
- C. 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 per day.
- D. For a canvasser requesting an Identification Card.....no fee.

Section 610.060 Application for Identification Card.

Any person or organization (formal or informal) may apply for one or more identification cards by completing an application form at the office of the City Clerk, during regular office hours.

Section 610.070 Contents of Application.

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

- A. Name of applicant.
- B. Number of identification cards required.
- C. 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.
- D. The permanent and (if any) local address of the applicant.
- E. The permanent and (if any) local address of each person for whom a card is requested.
- F. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).
- G. Date and place of birth for each person for whom a card is requested and (if available) the social security number of such person.
- H. 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.

- I. 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.
- J. If a card is requested for a peddler:
 - 1. The name and permanent address of the business offering the event, activity, well or service (i.e., the peddler's principal).
 - 2. A copy of the principal's sales tax license as issued by the state of Missouri.
- K. If a card is requested for a solicitor:
 - 1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.
 - 2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.
- L. 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.

Section 610.080 Issuance of Identification Card.

The identification card(s) shall be issued promptly after application but in all cases within 2 business days of completion of an application, unless it is determined within that time that:

- A. the applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,
- B. 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
- C. any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

Section 610.090 Investigation.

During the period of time following the application for one 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 2 business days provided in section 610.070, 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.]

Section 610.100. Denial; Administrative Revocation; Appeal.

If the City Clerk denies (or upon completion of an investigation revokes) the identification card to one or more persons she shall immediately convey the decision to the applicant orally and shall within 2 business days 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 (or written) notification, and even before the preparation of the written report, the applicant has the right of an appeal of the denial of his or her application before the Mayor upon reasonable notice.

Section 610.110 Display of Identification Card.

Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) carried at all times and made visible to any person who might be approached by said person.

Section 610.120 Validity of Identification Card.

Subject to the payment of any applicable fees as provided in Section 610.050, an identification card shall be valid within the meaning of this Chapter for a period of six months from its date of issuance.

Section 610.130 Revocation of Card.

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

- A. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
- B. Fraud, misrepresentation, or incorrect statement made in the course of carrying on the activity.
- C. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven years.
- D. 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.

Section 610.140 General Prohibitions.

No peddler, solicitor or canvasser shall:

- A. 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 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. This prohibition shall not apply when the peddler, solicitor, or canvassers has an express

invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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.

- B. 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. This prohibition shall not apply when the peddler, solicitor, or canvassers has an express invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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.
- C. 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. Any person violating this subsection 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.
- D. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
- E. Enter upon the property of another except between the hours of 9:00 a.m. and the time designated as sunset published for that date in the *Kansas City Star*, or 7:30 p.m. whichever is earlier, Monday through Saturday. This prohibition shall not apply when the peddler or solicitor has an express invitation from the owner or occupant to enter upon any posted property. Any person violating this subsection 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. The prohibition contained in this subsection shall only apply to peddlers and solicitors, and not canvassers.
- F. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- G. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- H. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

- I. Failing to provide proof of the Identification Card when requested.
- J. Using the Identification Card of another person.
- K. Claim to have the endorsement of the City solely based on the City having issued an Identification Card to that person.

Section 610.150 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:

- A. 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.
- B. 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.
- C. No handbill or flyer shall be left at, or attached to any of the property having a “no solicitor” sign.
- D. 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.

Section 610.160 Severability.

It is hereby declared to be the intention of the Board of Aldermen 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 Board of Aldermen without the incorporation in this Chapter of any such unconstitutional or invalid portion of the Chapter.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 8th DAY OF MARCH, 2016, BY THE BOARD OF ALDERMEN OF THE CITY OF GREENWOOD, MISSOURI.

Alderman	Vote			
	Aye	Nay	Abstain	Absent
Muchmore	x			
Cover	x			
Weaver	x			
Harrell	x			
Megee (in case of tie)				

APPROVED THIS 8TH DAY OF MARCH, 2016 AS ORDINANCE NO. 2016-2904.


 Marvin Megee, Mayor

ATTEST:


 Dorothy Watkins, City Clerk