

APPLICATION
PEDDLER/SOLICITOR PERMIT



Date: _____

Name and address of principal office of person and/or company applying for permit:

Local: _____

Non-Local: _____

Name and address of principal officers and executives: _____

Purpose of solicitation: _____

Attach separate sheet for each person who will be making solicitation

Dates when solicitations will be made: Beginning _____ End _____

Area where solicitations will be made: _____

Completed applications must have the following attachments:

- Copy of Retail Sales License
- Copy of Raytown Occupational License
- Copy of Certificate of Liability Insurance
- Copy of any other permits or licenses required by the City
- \$75.00 Application Fee

I hereby state that no person or entity authorized to solicit under the permit for which application is made, has within the five years preceding the date of filing an application for solicitation permit, been convicted of a felony, misdemeanor or other violation of the laws of the United States of any state or city of the United States where such conviction was for an offense involving force, threat of force, theft, dishonesty, fraud or sexual misconduct or has, within the twelve months preceding the date of filing an application for solicitation permit, been convicted of a violation of this ordinance or the solicitation ordinance of any other city.

I also understand that if the permit is granted:

It will not be used or represented in any way as an endorsement by the City or any department or officer thereof; and

That during the period specified in the permit, if there is any change in fact, policy or method that would alter the information given in the application, the applicant will notice the City Clerk in writing thereof within forty-eight (48) hours after such change; and

That at no time during the period of solicitation will the applicant or his or her agents solicit at any residence within the City where there is clearly and visibly posted any sign requesting "No Solicitation," or "No Trespassing" or words of similar import; and

That the applicant and all persons for whom application is made will carry on their person a copy of the solicitation permit issued by the City.

Signed _____

Signature

Name Printed

Address

SSN

Title

Phone Number

**APPLICATION
PEDDLER/SOLICITOR PERMIT
(Completed by individuals doing solicitation)
\$25.00 per individual applicant**



Date: _____

Full Name: _____

SSN: _____ DOB: _____

Height: _____ Weight: _____ Sex: _____

Permanent Address: _____

Local Address: _____

Nature of Practice: _____

Name and Address of company on whose behalf orders are solicited: _____

Within the past five years, have you been convicted of a felony, misdemeanor, or other violation of the laws of the United States or of any state or city of the United States?

Yes _____ No _____

If yes, list nature of crime and penalty imposed: _____

If a motor vehicle is to be used, list:

Make _____ Model _____ Year _____ Color _____

License plate _____
(State) (Number) (Date)

Signature _____ Name Printed _____

Phone Number: _____



Missouri State Highway Patrol Applicant Fingerprint Services of Missouri

Applicant Fingerprint Form for State and FBI Criminal History Background Checks

Section One: Agency Information

AGENCY 4-DIGIT MACHS REGISTRATION NUMBER: 5966

Agency Name: City of Raytown

Agency ORI: MO920710Z Agency OCA: n/a

Section Two: The Missouri Automated Criminal History Site (MACHS)

For fingerprinting services through the state electronic fingerprint vendor, you must first register with the Missouri Automated Criminal History Site (MACHS). If you do not have internet access, you may contact 3M Cogent directly at 1-877-862-2425 to have a Fingerprint Services Representative conduct the registration on your behalf.

MACHS Registration Instructions:

1. Log-on to www.machs.mo.gov
2. Click on the "blue box" MACHS Fingerprint Search Portal
3. Click on the "blue box" to Register with MACHS
4. In the yellow-highlighted box, **enter your agency 4-Digit Registration Number and hit "enter"**
5. Enter your personal information.
6. At the Missouri Background Check Fingerprint Summary **verify** all personal data and agency information before proceeding. If all information entered is accurate and complete, click **Complete Registration**. This will take you to the fingerprint services vendor for further processing to include payment and to select a fingerprint location. Please note your **Transaction Control Number (TCN)**. **The TCN will be required at the time of fingerprinting to confirm your MACHS registration data.**

Your processing fee is automatically calculated based on the 4-digit registration number that you provide. Fees are either paid at the time of registration or are payable to 3M Cogent at the time of fingerprinting unless a billing account has been established by your agency. Upon completion of the fingerprint appointment, 3M Cogent will transmit your fingerprint background check request to the Missouri State Highway Patrol (MSHP) for processing through the state and FBI. The results of the search will be provided to the authorized agency within 5 to 10 business days.

Section Three: Registration Confirmation (for applicant or agency use)

Applicant Name: _____

TCN (Confirmation Number) _____

Date Prints Taken _____

AN ORDINANCE REGARDING SOLICITING IN THE RIGHT-OF-WAY, AMENDING CHAPTER 12, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE V, MISCELLANEOUS BUSINESS REGULATIONS AND CHAPTER 13, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IX, OFFENSES RELATING TO PUBLIC HEALTH AND SAFETY AND REPEALING ORDINANCE NO. 4793-02

WHEREAS, this ordinance is enacted pursuant to Chapter 43, Section 43.535 RSMo. To regulate the issuance of permits/the employment of/those engaged in right-of-way solicitation and peddling; and

WHEREAS, the City of Raytown currently regulates the practices of soliciting and peddling, pursuant to its police powers and for the purpose of preventing undue annoyance of city residents by peddlers and solicitors; maximizing the first amendment rights of peddlers and solicitors as well as the right of city residents to be secure in their homes and vehicles; reducing the opportunity for crime within the city; attempting to provide some assurance to residents of the city that peddles and solicitors are not burglars or criminals in disguise; and attempting to increase the physical safety of peddlers and solicitors who go from place to place within the city; and

WHEREAS, the City of Raytown, pursuant to its police powers, desires to regulate the public right-of-way in the interest of the public health, safety, and welfare; and

WHEREAS, the practice of soliciting in the public right-of-way poses a hazard to the safety of solicitors and the traveling public because it interferes with the flow of traffic, distracts drivers, and places pedestrians in high traffic areas where they may be injured; and

WHEREAS, the City desires to regulate by imposing reasonable, content neutral regulations on the time, place, and manner of soliciting in the right-of-way.

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

Section 1. That Sections 12-105 and 12-106 of Chapter 12, Licenses and Miscellaneous Business Regulations, Article V, Miscellaneous Business Regulations are hereby deleted in their entirety.

Section 2. That Article XI, Solicitors, is hereby added to Chapter 12, Licenses and Miscellaneous Business Regulations:

Section 12-270. Statement of Purpose.

It is the purpose of Sections 12-270 to 12-298 to protect the general public against:

- (a) Crimes, frauds and misrepresentations committed by persons acting as solicitors;
- (b) The continuing danger of fraud, robbery, and other crimes to the residents of the city; and
- (c) Undue annoyances caused by solicitors.

This article is not intended to prohibit acts authorized as an exercise of a person’s constitutional right to legally picket, protest or speak.

Section 12-272. Definitions.

For purposes of this article and whenever the following terms are used herein, they shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly indicated by the context:

Canvass shall mean opinion sampling, poll-taking, or other similar activity, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, door to door, street to street, or from place to place but does not include Federal, State, County or Municipal census takers or registered political candidates or their assigned agents.

Canvasser shall mean any person who engages in canvassing in person for himself or any other person.

Charitable shall mean any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, scientific, historical, athletic, medical, or religious activities, either actual or implied.

City shall mean the City of Raytown, Missouri.

Peddle shall mean to operate from a temporary stand, display or similar facility, or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.

Peddler shall mean a person who engages in the act of peddling for himself or for any other person.

Person shall mean any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, director, member, partner, officer, receiver, assignee, employee, agent or other similar representative thereof.

Right-of-way shall mean the traveled portion of any public road, street, alley, bridge, exclusive of adjacent sidewalks.

Solicit or solicitation shall mean any one or more of the following:

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise, wares, or other items of value for further delivery, or services to be performed in the future, for commercial purposes; or
- (2) Requesting contribution of funds, property, or anything of value, or the pledge of any type of future donation, or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets, for political, charitable, religious, or other non-commercial purposes; or
- (3) Canvassing or peddling as defined in this section;
- (4) Throwing, depositing or distributing any commercial handbill in or upon any premises within the city.

Solicit or solicitation shall not include any of the above acts when such acts are conducted solely upon a public sidewalk. A solicitation as defined herein shall be deemed completed when made, whether or not the person making the solicitation receives any contribution or makes any sale.

Solicitor shall mean a person who engages in the act of soliciting for himself or any other person.

Commercial handbill shall mean any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit.
- (4) Exemption for mail and newspapers: For purposes of this article, the term "commercial handbill" shall not be construed to include mail delivered by the United States Postal Service or newspapers duly entered with the Post Office Department of the United States and newspapers filed and recorded with any recording officer as provided by general law or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Section 12-274. Solicitation permits required.

Every solicitor, of whatsoever form or nature must obtain a permit from the city before soliciting within the city. In order to obtain a permit to solicit, the applicant must furnish the information required under this article to the city clerk.

Section 12-276. Application for solicitation permit.

An applicant for a solicitation permit shall furnish to the city clerk an application containing the following information:

- (a) The name and address of the principal office of the person applying for the permit (including both local and non-local principal offices where such exist);
- (b) If the applicant is not an individual, the names and address of the applicant's principal officers and executives;
- (c) The purpose for which the solicitation is to be made;
- (d) The name and address of the person or persons who will be making the solicitations;
- (e) The time when the solicitations will be made, giving the expected dates for the commencement and termination of the solicitation, subject to the limitations on time for solicitations contained in this article;

- (f) A general description of the place where the solicitations will be made, such as a description of the area in which door to door solicitations will be made or a description of the intersections at which solicitations will be made;
- (g) A statement to the effect that if the permit is granted:
- (1) It will not be used or represented in any way as an endorsement by the city or any department or officer thereof; and
 - (2) That during the period specified in the permit, if there is any change in fact, policy or method that would alter the information given in the application, the applicant will notify the city clerk in writing thereof within forty-eight (48) hours after such change; and
 - (3) That at no time during the period of solicitation will the applicant or his or her agents solicit at any residence within the city where there is clearly and visibly posted any sign requesting "No Solicitation," or "No Trespassing" or words of similar import; and
 - (4) That the applicant and all persons for whom application is made will carry on their person a copy of the solicitation permit issued by the city.
- (h) A sample of an identification badge or card that each person participating in the solicitation shall wear or carry, indicating the person's name and the name of the organization for which he or she is soliciting. Such badge or card shall be furnished by the organization and be approved by the city clerk. Such badge or card shall be legible.
- (i) A statement that no person or entity authorized to solicit under the permit for which application is made has, within the five years preceding the date of filing an application for solicitation permit, been convicted of a felony, misdemeanor or other violation of the laws of the United States of any state or city of the United States where such conviction was for an offense involving force or threat of force, theft, dishonesty, fraud, or sexual misconduct or has, within the twelve months preceding the date of filing an application for solicitation permit, been convicted of a violation of this ordinance or the solicitation ordinance of any other city.
- (j) If applicable, information indicating that the applicant has a valid retail sales license issued by the State of Missouri and a valid business occupation license issued by the city.
- (k) Information indicating that the applicant has all secured any and all other permits or licenses required by law.
- (l) An applicant seeking to engage in Soliciting/Peddling shall have his/her fingerprints taken by a law enforcement agency and submit the fingerprint card to the City of Raytown.
- (1) Upon receipt of the fingerprint card and the appropriate fees, the City of Raytown will mail the fingerprint card and appropriate fees to the Missouri State Highway Patrol, CJIS Division. The Missouri State Highway Patrol, CJIS Division will compare the subject's fingerprints against its criminal file and,
- (a) if no disqualifying conduct is found therein; then

- (b) submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, CJIS Division, which will disseminate the state and national results to the City of Raytown.
- (2) If an employer or organization is a private entity, the City of Raytown shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an employer or organization is a governmental entity, the City of Raytown shall:
- (a) Render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such governmental entity; or
 - (b) Disseminate the results of the criminal background check to the governmental entity for a fitness determination.
- (3) In rendering a fitness determination, the City of Raytown will decide whether the record subject has been convicted of or is under pending indictment for
- (a) a crime which bears upon his/her ability or fitness to serve in that capacity;
 - (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or
 - (c) enumerated disqualifiers.
- (4) A record subject may request and receive a copy of his/her criminal history record information from the City of Raytown, Missouri. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol, CJIS Division for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

Section 12-278. Application fee.

Each application shall be accompanied by a fee in an amount set by resolution of the board of aldermen.

Section 12-280. Standards for Issuance.

- (a) The city clerk shall, except as provided by this ordinance, issue a solicitation permit provided for by this article upon receiving a completed application form from the applicant or their authorized representative.
- (b) The city clerk shall not issue a solicitation permit to any person or entity that has, within the five years preceding the date of filing of an application for solicitation permit, been convicted of a felony, misdemeanor, or other violation of the laws of the United States or of any state or city of the United States, where such conviction was for an offense involving force or threat of force, theft, dishonest, fraud, or sexual misconduct or to any person or entity that has, within the twelve months preceding

the date of filing an application for solicitation permit, been convicted of violating this ordinance or the solicitation ordinance of any other city.

- (c) The city clerk shall not issue a solicitation permit to any person or entity that has not paid the required application fee.
- (c) Any person who is aggrieved by the refusal of the city clerk to issue a solicitation permit may appeal said refusal to the board of aldermen. On refusal, the city clerk shall notify the applicant by registered mail of the refusal to issue a solicitation permit and that the applicant may appeal said refusal to the board of aldermen by requesting a hearing before the board of aldermen not later than thirty (30) days following receipt of the notice of refusal. The notice of refusal shall contain a statement of the facts upon which the city clerk acted in refusing to issue a permit. On receipt of a request for hearing before the governing body the city clerk shall schedule the matter to be heard before the next regularly scheduled meeting of the board of aldermen unless the applicant shall request that the hearing be scheduled at a later date. In no event shall such hearing be held more than thirty (30) days following receipt of the applicant's request for a hearing. At the hearing the applicant may offer evidence to support any contention that a permit should be issued.

Section 12-282. Application and permit available for public inspection.

All applications, permits, and supporting documentation filed with the city clerk shall be open records, and shall be available for examination, inspection and copying by any member of the public in accordance with state statutes and city ordinances.

Section 12-284. Contents of permits.

Permits issued under the provisions of this article shall bear the name and address of the person to whom the permit is issued, the number of the permit, the dates within which the permit holder may solicit, the area in which the solicitor may solicit, the statement that the permit does not constitute an endorsement by the city or by any of its departments, officers or employees, of the purpose or the person conducting the solicitation, and the signature of the city clerk or his or her designee.

Section 12-286. Term of permit.

Permits issued pursuant to this article shall authorize the holder thereof to solicit for the number of days requested in the application, not to exceed ninety (90) consecutive days for solicitation other than in the right of way and not to exceed seventy-two hours for solicitation in the right of way. Applications for renewal of permits may be made and shall be granted if the requirements of this article are still being met and no violations of the permit or this article have been found to exist.

Section 12-288. Permits not transferable.

No permit issued under the provisions of this article shall be transferable or assignable.

Section 12-290. Suspension or revocation of permits.

Any determination by the city clerk that the holder of a city permit has violated any provisions of this article or of the permit issued pursuant thereto, or that the holder of the permit has made false representations in the application for the permit, shall cause the city clerk or his or her designee to give notice to the permit holder that the permit is immediately suspended. The notice of immediate suspension is to be mailed to the permit holder by registered or certified mail,

and shall notify the holder that a hearing will be had before the board of aldermen at its next regular or special meeting for the purpose of determining whether or not the permit holder may offer evidence to support any contention its permit should not be revoked. No solicitation shall be made during the period of suspension or revocation of a permit.

Section 12-292. Uniformity of administration of article.

The city clerk is directed to administer this article uniformly, and is to require all applicants to submit the application and supporting data required by this article before issuing a permit. All applicants are to be treated alike.

Section 12-294. Prohibited acts.

- (a) It shall be unlawful for any solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of soliciting at a residence, dwelling or apartment at which a sign bearing the words "No Solicitors," "No Trespassers," or words of similar import indicating that such persons are not wanted on the premises, is painted, affixed or otherwise exposed to public view; provided that this paragraph shall not apply to any solicitor who gains admittance to such residence at the invitation or with the consent of the occupant thereof.
- (b) It shall be unlawful for any solicitor to solicit anywhere other than in the public right-of-way prior to 10:00 a.m. or after 9:00 p.m., local time, of any day.
- (c) It shall be unlawful for any solicitor to engage in soliciting upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave the premises or the residence.
- (d) It shall be unlawful for any solicitor to make more than one solicitation call at the same residential premise for identical goods, services, or contributions within any consecutive sixty (60) day period, without receiving a prior invitation therefore from the occupants of the premises. This provisions shall be construed to include solicitation upon the same premises by employees, agents, or other persons acting on behalf of the same person more than once during the aforesaid period without a prior invitation as herein provided.
- (e) It shall be unlawful for any solicitor to fail to provide, at the request of the purchaser, a written receipt, for purchases exceeding five dollars (\$5.00) in cash or tangible property which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment; or for any charitable solicitor or organization accepting any contribution exceeding Five Dollars (\$5.00) in cash or tangible property to fail to provide at the request of the donor a written receipt acknowledging such contribution, stating the name of the organization or cause, and personally signed by the person accepting such contribution.
- (f) It shall be unlawful for any solicitor to fail at the outset to disclose to the prospective buyer, prospective donor, or canvasee his/her name and the name of the company, product or organization he/she represents.
- (g) It shall be unlawful for any solicitor to make any assertion, representation or statement, which misrepresents the purpose of his/her call, or use any plan, scheme, or use which misrepresents such purpose.

- (h) It shall be unlawful for any solicitor to conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
- (i) It shall be unlawful for any person or entity to solicit within the city that has been convicted of a felony, misdemeanor, or ordinance violation involving force, violence, deceit, or fraud within the past five (5) years or that has, within the past twelve months been convicted of violating this ordinance or the solicitation ordinance of any other city.
- (j) It shall be unlawful for any person to solicit or attempt to solicit at a place of residence at any entrance other than the main entrance of the residence.
- (k) It shall be unlawful for any person to solicit or attempt to solicit without carrying upon their person a copy of the permit issued by the city authorizing solicitation and an identification badge or card as described in this ordinance.
- (l) It shall be unlawful for any person to solicit in a manner so as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public or any individual.

Section 12-296. Additional provisions regarding soliciting in the right of way.

The practice of soliciting or peddling in the right-of-way places pedestrians in the lanes of traffic and presents unique dangers to solicitors, peddlers and the traveling public. In the interest of public safety, the following additional provisions shall apply to soliciting or peddling in the right-of-way.

- (a) It shall be unlawful for any solicitor to solicit in the right-of-way except from dawn to dusk.
- (b) It shall be unlawful for any solicitor to solicit in the right-of-way except at an intersection that are signalized or intersections where vehicles in all directions must come to a complete stop.
- (c) It shall be unlawful for any solicitor to solicit at an intersection with Missouri 350 Highway.
- (d) It shall be unlawful for any solicitor to solicit the occupant of a vehicle, unless the vehicle has come to a complete stop.
- (e) It shall be unlawful for any solicitor to stand in the traveled portion of the right of way while traffic is moving.
- (f) It shall be unlawful for any person under the age of 13 to solicit in the right of way.
- (g) It shall be unlawful for any person age 13 to 17 to solicit in the right of way, unless accompanied by at least two (2) persons over the age of eighteen.
- (h) It shall be unlawful for any solicitor to solicit at the same public right of way intersection for more than seventy-two (72) hours in any one consecutive sixty (60) day period. This provision shall be construed to include solicitation at the same public right of way intersection by employees, agents, or other persons acting on behalf of the same person during the aforesaid period.

- (i) It shall be unlawful for more than ten (10) persons to solicit at one intersection at one time.
- (j) It shall be unlawful for any solicitor to solicit in the right of way unless wearing a bright orange safety vest and unless displaying an approved identification card in a manner so as to be clearly visible to a reasonable person.

Section 12-298. Penalties.

Any person who violates or causes to be violated any provision of this article, or who gives false or incorrect information to the city clerk in filing statement or reports required by this article, whether such report or statement is verified or not, upon conviction thereof in the municipal court of the city, shall be punished as provided in section 1-12; and each such unlawful act shall constitute a separate offense.

Section 3. That Chapter 13, Offenses and Miscellaneous Provisions, Article IX, Offenses Relating to Public Health and Safety, is amended, by adding Section 13-115 to read as follows:


Section 13-115. Soliciting in the Right-of-Way.

It shall be unlawful for a person to solicit in violation of Chapter 12.

Section 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

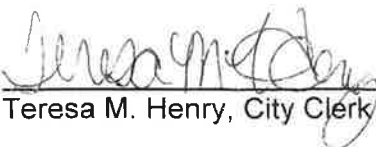
Section 5. That this ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED and ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 6th day of March, 2012.



David W. Bower, Mayor

ATTEST:



Teresa M. Henry, City Clerk

Approved as to Form:



Joe Willerth, City Attorney