

**CHECKLIST FOR  
PEDDLERS / SOLICITORS / CANVASSERS  
LICENSE FOR  
THE CITY OF ARNOLD MISSOURI**

- \_\_\_\_\_ Fill out Application
- \_\_\_\_\_ Obtain Fingerprints from Law Enforcement Agency
- \_\_\_\_\_ Background Check with Missouri State Patrol at:  
[www.machs.mo.gov](http://www.machs.mo.gov)
- \_\_\_\_\_ Submit Credentials of the Firm or Business for Which Applicant does  
Business Authorizing Applicant to Act as a Representative (Must be  
on Company Letterhead)
- \_\_\_\_\_ Three Thousand Dollar (\$3000) Bond (Cash or Surety) Approved by  
City of Arnold Attorney
- \_\_\_\_\_ Thirty-Five Dollar (\$35.00) License Fee
- \_\_\_\_\_ Certificate of No Tax Due Letter From Missouri Department of  
Revenue
- \_\_\_\_\_ Submit Photograph of Applicant (at least 2" x 2")



**APPLICATION FOR PEDDLER, SOLICITOR OR CANVASSER LICENSE  
CITY OF ARNOLD MISSOURI**

**(All Peddlers, Solicitors or Canvassers obtain a separate license for each individual)**

**CHECK ONE:** PEDDLER \_\_\_\_\_ SOLICITOR \_\_\_\_\_ CANVASSER \_\_\_\_\_

**APPLICANT NAME:** \_\_\_\_\_ **PHONE NUMBER:** \_\_\_\_\_

**APPLICANT PERMANENT ADDRESS:** \_\_\_\_\_

**APPLICANT LOCAL ADDRESS (IF APPLICABLE):** \_\_\_\_\_

**DESCRIPTION OF APPLICANT (AGE, HEIGHT, WEIGHT, HAIR COLOR):** \_\_\_\_\_

**APPLICANT SOCIAL SECURITY NUMBER:** \_\_\_\_\_

**NAME OF BUSINESS/ORGANIZATION APPLICANT IS REPRESENTING:** \_\_\_\_\_

**ADDRESS OF BUSINESS/ORGANIZATION APPLICANT IS REPRESENTING:** \_\_\_\_\_

**WEBSITE ADDRESS OF BUSINESS/ORGANIZATION APPLICANT IS REPRESENTING:** \_\_\_\_\_

**LIST OF MERCHANDISE TO BE SOLD:** \_\_\_\_\_

**IF SOLICITING, NATURE OF GOODS OR SERVICES BEING SOLICITED:** \_\_\_\_\_

**ARE GOODS SOLD FROM STOCK IN POSSESSION OR DELIVERED AT A LATER DATE:** \_\_\_\_\_

**WHAT KIND OF ADVERTISING WILL BE DONE (ATTACH SAMPLE OF ALL HAND-BILLS OR CIRCULARS):** \_\_\_\_\_

**NAME AND ADDRESS OF MANUFACTURER OF GOODS:** \_\_\_\_\_

**METHOD OF DELIVERY OF GOODS:** \_\_\_\_\_

**VEHICLES USED (MAKE, MODEL AND LICENSE NUMBER):** \_\_\_\_\_

**HAS APPLICANT OR APPLICANT'S MANAGER OR SUPERVISOR EVER BEEN CONVICTED OF A CRIME, MISDEMEANOR, OR VIOLATION OF ANY MUNICIPAL ORDINANCE. GIVE OFFENSE AND PUNISHMENT, DATE AND PLACE:** \_\_\_\_\_

**HAS APPLICANT OR APPLICANT'S MANAGER OR SUPERVISOR EVER BEEN DENIED A SOLICITOR/PEDDLER/CANVASSER PERMIT FROM ANY OTHER MUNICIPALITY (IF SO GIVE DATE AND MUNICIPALITY):** \_\_\_\_\_

**CITY OF ARNOLD MISSOURI  
PEDDLER/SOLICITOR OR CANVASSER LICENSE APPLICATION  
PAGE 2**

I hereby authorize the City of Arnold to investigate my character and my answers to all of the above questions and statements. I certify that all answers and statements made on this application and any attachments are true to the best of my knowledge. I agree and understand that any misstatement of material facts herein is cause for suspension or revocation of this license.

**APPLICANT'S SIGNATURE:** \_\_\_\_\_

**DATE AND PLACE OF BIRTH:** \_\_\_\_\_

**APPLICANT'S DRIVERS LICENSE NUMBER:** \_\_\_\_\_

**NOTARY:**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Notary Public Signature:** \_\_\_\_\_

**My Commission Expires:**

\_\_\_\_\_

**AN ORDINANCE REGULATING ICE CREAM TRUCKS, PEDDLERS, SOLICITORS AND CANVASSERS, ESTABLISHING REGISTRATION REQUIREMENTS FOR THE FORMER TWO, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS AND PROVIDING PENALTIES FOR VIOLATIONS**

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**WHEREAS**, many citizens of this community expect their local government to assist them in preserving their privacy and avoiding petty annoyances that disrupt the 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, while attempting to minimize fraud, prevent crime, and protect the privacy of our citizens.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Chapter 610 (Peddlers and Solicitors) of the City of Arnold Code of Ordinances, inclusive, is hereby repealed and amended, so as to read in its entirety as follows:

**"Chapter 610 Peddlers, Solicitors, and Canvassers**

**Section 610.010 Definitions.**

As used in this Chapter, the following terms shall have the indicated meaning:

**ICE CREAM TRUCK**

Every motor vehicle, except those governed by Section 605.400 of the Code, in which ice cream, popsicles, ice sherbets, or frozen desserts of any kind are carried for the purposes of selling at retail sale on the city streets, and who continuously stop-and-go and do not park at any one (1) location to provide continuing service. For purposes of this Chapter, Ice Cream Trucks shall be considered a "peddler" and all persons driving such vehicles, and if other than the driver, providing service are required to obtain a permit/identification card as required herein.

## **ISSUING OFFICER**

The City Clerk of Arnold, Missouri.

## **PEDDLER**

Includes 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 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."

## **SOLICITOR**

Includes 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 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.

## **CANVASSER**

Includes 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.

### **Section 610.015 Exceptions.**

A. This ordinance shall not apply to:

1. Federal, state or local government employees or a public utility employees in the performance of his/her duty for his/her employer; or
2. Children under the age of 18 that are soliciting on behalf of a nonprofit youth organization such as, but not limited to, the Boy Scouts of America, the Girl Scouts of the USA, the Baden-Powell Service Association, sports leagues, etc.

### **Section 610.020 Permit/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 a permit/identification card in accordance with this ordinance. A canvasser is not required to have a permit/identification card but any canvasser wanting a permit/identification card for the purpose of reassuring city residents of the canvasser's good faith shall be issued one upon request.

### **Section 610.025 Fee.**

The fee for the issuance of each permit/identification card shall be thirty-five dollars (\$35.00) for such permit/identification card that is valid for six (6) months from its date of issuance or the term requested, whichever is less.

### **Section 610.030 Application for Permit/Identification Card.**

Any person or organization (formal or informal) required to obtain or voluntarily seeking one or more permit/identification cards shall complete an application form at the office of the issuing officer, during regular office hours.

### **Section 610.035 Contents of Application.**

A. All applicants (person or organization) shall provide the following information:

1. Name of applicant.
2. The permanent and (if any) local address of the applicant.
3. If employed, the name and address of employer, together with credentials establishing the exact relationship;
4. Credentials for the person for which the applicant proposes to do business, authorizing the applicant to act as such representative;
5. 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 permit/identification card, passport, or other government-issued permit/identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken.
6. The permanent and (if any) local address of each person for whom a card is requested.
7. Date and place of birth for each person for whom a card is requested and the social security number of such person.
8. 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.
9. 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.
10. A brief description of the proposed activity related to this permit/identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).
11. In addition, if a card is requested for a peddler, the following information shall be provided:
  - a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
  - b. A copy of the principal's sales tax license as issued by the state of Missouri, provided that no copy of a license shall be required of any business which appears on the city's annual report of Sales Tax payees as

provided by the Missouri Department of Revenue.

- c. The location where books and records are kept of sales which occur within the city and which are available for city inspection to determine that all city sales taxes have been paid.

12. In addition, if a card is requested for a solicitor, the following information shall be provided:

- a. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.
- b. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.

13. 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 610.040 Bond Prerequisite to Issuance.**

Before any license, as provided by this Chapter, shall be issued for engaging in the businesses as defined in Section 610.010 of this Chapter in the City, such applicant shall file with the City Clerk a bond running to the City in the sum of three thousand dollars (\$3,000.00) executed by the applicant, as principal, and a surety bond upon which service of process may be made in the State; such bond to be approved by the City Attorney, conditioned that the applicant shall comply with all of the provisions of the ordinances of the City and the Statutes of the State regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against such applicant for any violation of such ordinances or Statutes, or any of them, together with all judgments and costs that may be recovered against him/her by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof, and guaranteeing to any citizen of the City that property purchased will be delivered according to the representations of the applicant. Action on the bond may be brought in the name of the City to the use of the aggrieved person. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the sureties thereon. The bond amount shall be adjusted annually according to the Consumer Price Index as published by the United States Bureau of Labor Statistics for the St. Louis, Missouri metropolitan area.

#### **Section 610.045 Issuance of Permit/Identification Card.**

- A. The permit/identification card(s) shall be issued promptly after application but in all cases within five business days of completion and acceptance of an application, unless it is determined within that time that:
  1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,
  2. 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 (7) years, or

3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

**Section 610.050 Investigation.**

All applicants for a permit/identification card shall undergo a fingerprint-based state background check by the Missouri Criminal Justice Information Services (CJIS) Division of the Missouri State Highway Patrol.

**Section 610.055. Permit/Identification Card — Not An Endorsement.**

No person holding a permit/identification card, or an agent, member or representative of the same, shall advertise, represent or hold out in any manner that such permit/identification card is an endorsement of the holder by the City or by any member of the City administration or City Council thereof or by any organization which any of the same may represent.

**Section 610.060 Denial; Administrative Revocation.**

If the issuing officer denies (or upon completion of an investigation revokes) the permit/identification card to one (1) or more persons he or she shall immediately convey the decision to the applicant orally and shall within five (5) 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 notification, and even before the preparation of the written report, the applicant shall have at his option an appeal of the denial of his application before the City Administrator. This appeal must be made within ten (10) days of the oral notification. The City Administrator will schedule an appeal hearing within ten (10) days of the request, due notice of which is to be given to the public and the applicant. In the case of revocation, all activities otherwise authorized shall cease until such time as an appeal reverses said revocation.

**Section 610.065 Hearing On Appeal.**

If the applicant requests a hearing under Section 610.060, review from the decision (on the record of the hearing) shall be had to the Circuit Court of Jefferson County, as provided in Chapter 536 RSMo.

**Section 610.070 Display of Permit/Identification Card.**

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

**Section 610.075 Validity of Permit/Identification Card.**

A permit/identification card shall be valid within the meaning of this ordinance for a period of six (6) months from its date of issuance or the term requested, whichever is less.

**Section 610.080 Revocation of Card.**

- A. In addition to the administrative revocation of a permit/identification card, a card may be



revoked for any of the following reasons:

1. Any violation of this Ordinance by the applicant or by the person for whom the particular card was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven years.
4. Conducting the activity in such a manner as to constitute a violation of the Code of Ordinances, a breach of the peace or a menace to the health, safety or general welfare of the public.

B. The revocation procedure shall be initiated by the filing of a complaint by the city attorney or the issuing officer pursuant to the state Administrative Procedure Act, and a hearing as provided in Section 610.060 above.

#### **Section 610.085 "No Visit" List.**

The issuing officer shall maintain a list of persons within the city who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors, and canvassers. The issuing officer may provide a form to assist residents, and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document, reproduced on the city's web site, and available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for and each recipient of a permit/identification card. If a canvasser chooses not to apply for a permit/identification card, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list.

#### **Section 610.090 Distribution of Handbills and Commercial Flyers.**

A. 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:

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. City officers are authorized to remove any handbill or flyer found within the right-of-way.
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.
3. No handbill or flyer shall be left at, or attached to any of the property:
  - a. Listed on the city "no visit" list, or
  - b. Having a "no solicitor" sign of the type described in Section 610.095, subsection (A) or (B).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police (either by producing a permit/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 610.095 General Prohibitions.**

##### **A. No peddler, solicitor or canvasser shall:**

1. Enter upon any private residential subdivision where 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).
2. 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).
3. 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.
4. Enter upon any private property where the current occupant has posted the property on the city's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit), regardless of whether a front yard sign is posted.
5. 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.
6. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
7. Enter upon the property of another except between the hours of 9:00 A.M. and 6:00 P.M.
8. Shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud speaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of the City, or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, or parks or other public places for the purposes of attracting attention to any goods, wares or merchandise which such licensee proposes to sell; provided, however, that this prohibition shall not apply to Ice Cream Trucks selling ice cream products and other frozen dessert products that project continuous music or repetitive sounds, so long as such

projection does not disturb the peace or violate Chapter 220, *General Nuisances*, of the Code of Ordinances.

9. No peddler, solicitor, or canvasser may conduct their affairs from any right-of-way; provided, however, that this prohibition shall not apply to Ice Cream Trucks, as defined herein, selling ice cream products and other frozen dessert products from the paved portion of any right-of-way subject to the requirements and limitations contained in Section 610.110.

B. Except that the above prohibitions shall not apply when the peddler, solicitor, or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

#### **Section 610.100 Duty of Police to Enforce.**

It shall be the duty of the Police Officers of the City to require any person seen soliciting or peddling, who is not known to such officer as to be duly permitted, to produce his/her solicitor's or peddler's permit/identification card and to enforce the provisions of this Chapter against any person found to be violating same, and to determine all places of business and persons in their respective territories and to examine all places of business and persons in their respective territories subject to the provisions of this Chapter to determine if this Chapter has been complied with.

#### **Section 610.105 Violation to be Prosecuted as Trespass.**

Any person violating any part of this ordinance shall, in addition to having violated this ordinance, have committed a trespass on such property, and which 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.

#### **Section 610.110 Additional Regulations for Ice Cream Trucks.**

A. Ice Cream Trucks, as defined in Section 610.010, shall be subject to the following additional regulations:

1. Operators of Ice Cream Trucks shall comply with all applicable health laws or regulations that the Jefferson County Health Department has adopted or may adopt relating to Ice Cream Trucks.
2. Before operating an Ice Cream Truck in the City, the Person shall provide the City:
  - a. A copy all necessary approvals, licenses, and permits from the Jefferson County Health Department;
  - b. A copy of the Ice Cream Truck's license and registration form reflecting the vehicle identification number of the Ice Cream Truck; and
  - c. A copy of proof of Ice Cream Truck's insurance coverage.
3. Notwithstanding the timing regulations herein, Ice Cream Trucks may only operate within the City between the hours of 11:00 A.M. to 7:00 P.M. on week days and 11:00 A.M. to 9:00 P.M. on the weekends.”

**SECTION 2.** Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 3.** If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.


**SECTION 5.** This ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED ON THIS 15<sup>th</sup> DAY OF April 2021.

  
\_\_\_\_\_  
Presiding Officer of the Council

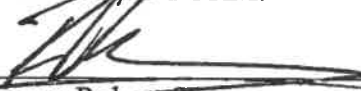
  
\_\_\_\_\_  
Mayor Ron Counts

ATTEST:

  
\_\_\_\_\_  
City Clerk Tammi Casey

First Reading: 4/15/21  
Second Reading: 4/15/21

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney Robert Sweeney

