



City of O'Fallon

PEDDLER'S / SOLICITOR'S / CANVASSER'S LICENSE APPLICATION

Date: _____

Application for (choose one):

- ____ Peddler: 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". Fee = \$7.50 per day for each identification card
- ____ Solicitor: a person who attempt 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. Fee = \$7.50 per day for each identification card
- ____ Canvasser: 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. A canvasser is not required to have an Identification Card but any canvasser wanting and Identification Card for the purpose of reassuring city residents of the canvasser's good faith shall be issued one upon request.

Section I - If a peddler:

Applicant's Name (person or organization): _____

Phone Number of Applicant: _____

Name Peddler's Principal (business offering the event, activity, good or service): _____

Phone Number of Peddler's Principal: _____

Permanent Address of Peddler's Principal: _____

Local Address (if any): _____

A copy of the applicant's current and valid sales tax license is required. List 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 _____

*Any additional information you would like to furnish such as copies of literature to be distributed, references to other municipalities where similar activities have occurred, or etc. would be appreciated.

GO TO SECTION IV

Section II - If a solicitor:

Applicant's Name (person or organization): _____

Phone Number of Applicant: _____

Name of the organization, person, or group for whom donations (or proceeds) are accepted: _____

Phone Number of the organization, person, or group for whom donations (or proceeds) are accepted: _____

Web site address of the organization, person, or group for whom donations (or proceeds) are accepted: _____

Permanent Address of the organization, person or group for whom donations (or proceeds) are accepted: _____

Local Address (if any): _____

*Any additional information you would like to furnish such as copies of literature to be distributed, references to other municipalities where similar activities have occurred, or etc. would be appreciated.

GO TO SECTION IV

Section III - If a canvasser:

Applicant's Name (person or organization): _____

Phone Number of Applicant: _____

If Applicable, Name Canvassers Principal (business offering the event, activity, good or service): _____

If Applicable, Phone Number of Canvasser's Principal: _____

If Applicable, Permanent Address of Canvasser's Principal: _____

Local Address (if any): _____

*Any additional information you would like to furnish such as copies of literature to be distributed, references to other municipalities where similar activities have occurred, or etc. would be appreciated.

GO TO SECTION IV

Section IV – All applicants:

Purpose of Applications (list items being sold, request for donation, distribution of a handbill or flyer): _____

Number of Identification Cards Being Requested: _____

The following information is required for each identification card being requested (Attach additional sheets if necessary:

ID Card #1 - Name: _____

Effective Dates for Identification Card (fee is per day per identification card issued): The length of the license period cannot exceed (2) months from the date of issuance.
_____, _____ through _____, _____

Physical Description: _____
Permanent Address: _____

Local Address (if any): _____

Date and Place of Birth: _____
Social Security Number: _____

Motor vehicle make, model, year, color and state license plate number of any vehicle which will be used: _____

List all infractions, offenses, misdemeanors and felony convictions for the seven years immediately prior to the application: _____

ID Card #2 Name: _____

Effective Dates for Identification Card (fee is per day per identification card issued):
_____, _____ through _____, _____

Physical Description: _____
Permanent Address: _____

Local Address (if any): _____

Date and Place of Birth: _____
Social Security Number: _____

Motor vehicle make, model, year, color and state license plate number of any vehicle which will be used: _____

List all infractions, offenses, misdemeanors and felony convictions for the seven years immediately prior to the application: _____

Are there additional ID Card requests attached? Yes NO

I further state, by filling out this application, that I have read the Peddlers, Solicitors and Canvassers Ordinance provided to me, and that I understand that any violation of the conditions specifically spelled out in the Ordinance will result in the license being pulled and any person violating any part of the ordinance shall be prosecuted under the general penalty Section of the City of O'Fallon as set forth at Sec. 100.010 of the Code of Ordinances.

Signature of Applicant

TO BE COMPLETED BY THE CITY OF O'FALLON:

File Name: _____

File Date: _____

_____ *Applicant has provided the required information on this application.*

_____ *Applicant completed the necessary records check with the Police Department and has been cleared.*

Fee Charged: \$ _____

Approved by: _____
Issuing Officer

**Affidavit of Vendor Not Subject to
Application of Missouri Sales Tax ID Number**

I, _____ (authorized official of company), hereby affirm that _____(company) is not required to apply for a Missouri Sales Tax ID Number as described in Chapter 144 of the Missouri Revised Statutes. I understand that if _____(company) becomes subject to application of a Missouri Sales Tax ID Number, the peddler's license, as issued by the City of O'Fallon will become null and void until such time that the company is compliant with the Missouri State Statutes as the Sales Tax ID Number is a prerequisite to any business/solicitor's license issued by a governmental entity.

Print Name _____

Signature _____

Company Name _____

Date _____

SECTION 605.080: PEDDLERS, SOLICITORS AND CANVASSERS

A. *Definitions.* As used in this Section, the following words have the meaning indicated:

CANVASSER: 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.

ISSUING OFFICER: The finance officer for the City of O'Fallon, Missouri, or his/her designee.

PEDDLER: 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".

SOLICITOR: 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.

B. *Exception.* [Section 605.080](#) shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

C. *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 [Section 605.080](#). 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.

D. *Fee.* The fee for the issuance of each identification card shall be:

1. For a peddler or solicitor \$7.50 per day
2. For a canvasser requesting an identification card No fee

E. *Application For Identification Card.* Any person or organization (formal or informal) may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

F. *Contents Of Application.* The applicant (person or organization) shall provide the following information:

1. Name of applicant.
2. Number of identification cards required.
3. The name, physical description and photograph of each person for whom 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 a photograph of each person for which a card is requested at the application site. The actual cost of the photograph will be paid by the applicant.
4. The permanent and (if any) local address of the applicant.
5. The permanent and (if any) local address of each person for whom a card is requested.
6. 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.)
7. Date and place of birth for each person for whom a card is requested and (if available) 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 (7) 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. If a card is requested for a peddler:

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 current and valid 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. The principal must also be current in any obligations to the City, including, but not limited to, any necessary business license or other fees or permits, if the principal has any such obligations.

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.

11. If a card is requested for a solicitor:

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.

12. 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.

G. *Issuance Of Identification Card.* The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion 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 (7) years; or

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.

H. *Investigation.*

1. During the period of time following the application for one (1) 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 sixteen (16) business hours provided in [Section 605.080\(G\)](#), the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation.

2. 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 canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City.

I. *Denial--Administrative Revocation.* If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours 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/her option an appeal of the denial of his/her application before the City Administrator.

J. *Hearing On Appeal.* If the applicant requests a hearing under [Section 605.080\(I\)](#), review from the decision (on the record of the hearing) shall be had to the Circuit Court of St. Charles County.

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

L. *Validity Of Identification Card.* An identification card shall be valid within the meaning of [Section 605.080](#) for the length of the license period requested, up to a maximum period of two (2) months, from its date of issuance.

M. *Revocation Of Card.* In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

1. Any violation of this [Section 605.080](#) 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 (7) years.
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.

The revocation procedure shall be initiated by the filing of a complaint by the issuing officer and a hearing before the City Administrator in accord with [Section 605.080\(I\)](#) above.

N. *Distribution Of Handbills And Commercial Flyers.* In addition to the other regulations contained in [Section 605.080](#) and this Code of Ordinances, 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. The Police 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 having a "no solicitor" sign of the type described in [Section 605.080\(O\)\(1\) or \(2\)](#).
4. No person shall throw, deposit or distribute any handbill or flyer upon private premises which are inhabited except by handing or transmitting same directly to some person then present upon such private premises. Provided however, that in the case of inhabited private premises which are not posted against solicitors or solicitors and canvassers, a solicitor or canvasser, unless requested not to do so by someone on such premises, may place or deposit any such handbill or flyer in or upon such premises if such handbill or flyer is so placed or deposited as to secure or prevent such handbill or flyer from being blown away or drifting about such premises or sidewalks, streets or other public places; and further provided that mailboxes may not be used for handbills or flyers unless specifically allowed by Federal law.

5. 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.

O. *General Prohibitions.* No peddler, solicitor or canvasser shall:

1. 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 as the case may be. Such sign need not exceed one (1) square foot in size and may contain words "no soliciting" or "no solicitors", "no peddling" or "no peddlers", or "no canvassing" or "no canvassers", or any combination thereof, in letters of at least two (2) inches in height.

2. 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 similar to that specified in Subparagraph (1) above, and which is clearly visible to the peddler, solicitor or canvasser.

3. 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.

4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

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. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:00 P.M. in the hours of Central Daylight Time.

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

P. *Penalty.* Any person violating any part of this Section shall be prosecuted under the general penalty Section of the City of O'Fallon as set forth at [Section 100.010](#) of the Code of Ordinances. (Ord. No. 5159 §1, 3-22-07)