

ORDINANCE NO. 2110

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, AMENDING CERTAIN SECTIONS OF
ARTICLE III OF CHAPTER 605 AND REGULATING
PEDDLERS IN THE CITY**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

SECTION 1. That Section 605.300 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting the definition of “Issuing Officer” and replacing it, in lieu thereof, with, the following:

ISSUING OFFICER

The ~~Finance Officer~~ **City Clerk** of the City of Dardenne Prairie, Missouri, or his/her designee.

SECTION 2. That Section 605.300 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding a new definition of the term “Good Moral Character”, to read as follows:

GOOD MORAL CHARACTER

1. Honesty, fairness, and respect for the rights of others and for the laws of the State and nation. The following factors shall be considered when making a determination of whether an applicant or licensee under this Article III of Chapter 605 has good moral character:

a. The nature and character of the business for which the license is sought;

**b. The manner in which the person has conducted his/her/its business;
and**

c. The manner in which the person has observed or violated the law.

2. If a person has been convicted of violating a crime of this State or country, or of any crime of any other state or country that would have been a crime under the laws of the State of Missouri, or an offense of this City, the Issuing Officer shall also weigh the following factors in determining if the person has good moral character:

a. The type of crime(s) or offense(s) for which a person has been convicted;

b. The circumstances surrounding the crime(s) or offense(s) for which a person has been convicted;

c. The proximity in time of the conviction(s) to the application for a license;

d. The conduct of the person since the date of conviction; and

e. Whether the crime the person is convicted of is reasonably related to

the competency of the person to exercise the licensed business.

3. Notwithstanding the foregoing, a conviction cannot be the sole grounds on which a person is determined to lack good moral character. If a person is pardoned from a conviction, the underlying guilt for the crime or offense may still be evidence of such person's good moral character.

SECTION 3. That Section 605.310 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.310 to read, as follows:

Section 605.310 Identification Card Required for Peddlers ~~and Solicitors~~, Available for Canvassers **and Solicitors**.

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~~ **Canvassers and solicitors are** not required to have an identification card but any canvasser **or solicitor** wanting an identification card for the purpose of reassuring City residents of the **solicitor or** canvasser's good faith shall be issued one upon request.

SECTION 4. That Section 605.315 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.315 to read, as follows:

Section 605.315 Fee.

A. 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 **or solicitor** requesting an identification card no fee.

SECTION 5. That Section 605.325 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting and adding thereto a new subsections 13 and 14 to read, as follows:

Section 605.325 Content of Application

...

13. The application shall also be accompanied by a criminal history record information (CHRI) name check for licensing purposes pursuant to 11 CSR 30-4.070(3), as amended, for the applicant, issued not more than six (6) months prior to the date of application and substantially similar reports from each state in which the applicant has been a resident at any time within the five (5) years prior to the date of the application.

14. The applicant shall sign and submit a statement that the applicant agrees and declares that the application contains facts and information that he/she believes to be true and correct; and all attachments are true and accurate to the best of the applicant's knowledge, information and belief.

SECTION 6. That Section 605.330 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.330, to read, as follows:

Section 605.330 Issuance of Identification Card.

A. The identification card(s) shall be issued promptly **after submission of a completed** 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 **is not of good moral character**~~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 **is not of good moral character**~~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 7. That Section 605.340 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.340, to read, as follows:

Section 605.340 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) **business 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 **pursuant to the procedures set forth in Section 605.080 of this Code**~~before the City Administrator.~~

SECTION 8. That Section 605.350 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.350, to read, as follows:

Section 605.350 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.

SECTION 9. That Section 605.360 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.360, to read, as follows:

Section 605.360 Revocation of Card.

A. 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 Chapter 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. **Evidence that the person to whom the card was issued is not of good moral character**~~Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years; or-~~
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. The **notice of revocation setting forth the basis for revocation** ~~procedure shall be initiated by the filing of a complaint mailed to the applicant and the person to whom the particular card was issued~~ by the issuing officer. The applicant and the person to whose card was revoked may appeal the revocation pursuant to ~~and a hearing before the City Administrator in accord with Section 605.340 of this Code above.~~

SECTION 10. That Section 605.365 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 605.365, to read, as follows:

Section 695.365 Distribution of Handbills and Commercial Flyers.

A. In addition to the other regulations contained in this Chapter and this Code, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. **No person, except a public officer or employee in the performance of a public duty, shall paint, post, paste, print, nail, stamp, tack or otherwise fasten any card, banner, handbill, sign, sticker, poster or advertisement, notice or advertising device of any kind calculated to attract the attention of the public or cause the same to be done on any curbstone, curb, lamppost, pole, hydrant, bridge, wall or tree, or upon any fixture of the City, or upon or over any public sidewalk, street, alley or other public place except as may be required by State, Federal or local law, or construct or maintain any sign upon or over any sidewalk, street, alley or other public place.**~~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 or City Code Enforcement Officer is **are** authorized to remove any **such materials violating this subsection** ~~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 Subsections **605.370 (A)(1) or (2) of**

this Code 605.375(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 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.

SECTION 11. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 12. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 13. Effective Date: This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW.]

Read the first (1st) time this 16th day of June, 2021.

Attest: Kim Clark
City Clerk

John W. Estuary
As Presiding Officer and as Mayor

Read the second (2nd) time and passed this 16th day of June, 2021.

Attest: Kim Clark
City Clerk

John W. Estuary
As Presiding Officer and as Mayor

Approved this 16th day of June, 2021.

Attest: Kim Clark
City Clerk

John W. Estuary
Mayor