

BILL NO. 2763

ORDINANCE NO. 27-2024

AN ORDINANCE REPEALING AND REPLACING SECTION 220.040 PEDDLERS – HOURS OF SALE AND SECTION 220.050 HAWKERS – UNINVITED SOLICITATION TO BE REPLACED WITH SECTION 220.040 – PEDDLERS, SOLICITORS AND CANVASSERS

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

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

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

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

NOW THEREFORE be it ordained by the Board of Alderpersons of the City of Herculaneum, Missouri, as follows:

SECTION 1. That Section 220.040 Peddlers – Hours of Sale and Section 220.050 Hawkers – Uninvited Solicitation shall be repealed to be replaced to read as follows:

Section 220.040. Peddlers, Solicitors and Canvassers.

Section One. Definitions. As used in this ordinance the following words have the meaning indicated:

- A. "Peddler" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor."
- B. "Solicitor" is a person who attempts to make personal contact with a resident at

his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

- C. "Canvasser" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

Section Two. Exception. This ordinance 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.

Section Three. Distribution of Handbills and Commercial Flyers. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

- A. No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.
- B. No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.

Section Four. General Prohibitions. No peddler, solicitor or canvasser shall:

- A. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two inches in height. (The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers)
- B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
- C. Use or attempt to use any entrance other than the front or main entrance to the

dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

- D. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
- E. Enter upon the property of another except between the hours of 9:00 a.m. and 8:00 p.m.

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.

Section Five. Violation to be Prosecuted as Trespass. Any person violating any part of this ordinance shall have committed a trespass on such property, and shall be prosecuted under the general trespass ordinance of the city. The penalty for such violation shall be the same as for any other trespass.

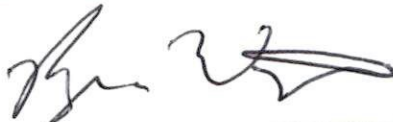
SECTION 2. All ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its date of passage.

SECTION 4. If any part of this ordinance is invalid for any reason the same shall not affect the validity of the remainder of the ordinance.

SECTION 5. This ordinance shall be codified.

READ (IN FULL TWO TIMES) (BY TITLE TWO TIMES, COPIES OF THE PROPOSED ORDINANCE HAVING BEEN MADE AVAILABLE FOR PUBLIC INSPECTION AT THE PLACE OF THE MEETING PRIOR TO THE TIME THE BILL WAS UNDER CONSIDERATION BY THE BOARD OF ALDERPERSONS) AND PASSED BY THE BOARD OF ALDERPERSONS OF THE CITY OF HERCULANEUM, MISSOURI, THIS 15th DAY OF July, 2024.



RYAN WRIGHT, Mayor
City of Herculaneum

ATTEST:


LAURIE FERRETTI, City Clerk