

CITY OF NEOSHO

Bill No. 88-29

Ordinance No. 88-26

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, REPEALING ARTICLE TWO, SECTIONS 21-16 THROUGH 21-35 OF CHAPTER 21 PEDDLERS, SOLICITORS AND CANVASSERS OF THE CODE OF ORDINANCES OF THE CITY OF NEOSHO, MISSOURI AND ENACTING A NEW ARTICLE TWO, SECTIONS 21-16 THROUGH 21-29, CHAPTER 21 PEDDLERS, SOLICITORS AND CANVASSERS OF THE CODE OF ORDINANCES OF THE CITY OF NEOSHO, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEOSHO, MISSOURI:

SECTION ONE. Article Two, Sections 21-16 through 21-35 of Chapter 21 Peddlers, Solicitors and Canvassers of the Code of Ordinances of the City of Neosho, Missouri is hereby repealed in its entirety.

SECTION TWO. A new Article Two, Section 21-16 through 21-29 of Chapter 21 Peddlers, Solicitors and Canvassers of the Code of Ordinances of the City of Neosho, Missouri is hereby enacted as follows:

Section 21-16. Definitions:

- (a) The word "person" as used in this Ordinance shall include the singular and plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other organization.
- (b) The word "peddler" as used in this Ordinance shall include any person whether a resident of the City of Neosho or not who travels from place to place, from house to house, or from street to street carrying, conveying or transporting goods, wares, or merchandise of any nature, offering or exposing the same for sale or soliciting the sale of goods, wares, or merchandise from any vehicle, truck, trailer or other mobile unit in the City or anyone who offers for sale merchandise or solicits business by means of a telephone from within the City.
- (c) The words "Solicitor and Canvasser" as used in this Ordinance means a person who travels from place to place taking or attempting to take orders for the sale of goods, wares and merchandise or property of any nature for future delivery or for services to be furnished or performed in the future.

Section 21.17. Permit and License: It shall be unlawful for any person to engage in the business of

peddler, solicitor or canvasser as defined in this Ordinance within the corporate limits of the City of Neosho without first obtaining a permit and license as provided herein and without paying the prescribed fee for issuance of the same.

Section 21.18. Excluded Persons: The following persons are excluded from the application of the provisions of this Ordinance:

- (a) Persons engaged in selling personal property at wholesale to dealers in such property;
- (b) Merchants having regular places of business in the City and their employees in taking orders at the houses of their customers for goods, wares and merchandise held in stock at such places of business and in delivering the goods so ordered. Such exclusion shall not apply to a person who for himself or another person, firm or corporation hires, leases, uses or occupies a building, structure or shelter or any other place for the purpose of exhibiting samples and taking orders for present or future delivery;
- (c) Persons selling daily or weekly newspapers or selling advertisements for daily or weekly newspaper, or persons selling advertising for radio or television stations; and
- (d) Charitable, non-profit or eleemosynary institutions who are registered with and certified by Internal Revenue Service as qualifying non-profit corporations and their agents, servants and representatives who solicit funds or sell items without actual or anticipated profit unless all proceeds of such sales over the cost of the items sold are dedicated to the purposes for which the organization is formed.
- (e) Organizations formed within schools and churches serving Neosho, Missouri, who solicit or sell items for purposes incidental to such school or church.
- (f) Special events sponsored by local trade groups or civic organizations; including but not limited to Fall Festival, Sidewalk Sale and Christmas Parade, which are approved by the City Council.

Section 21.19. Application. An Applicant for a permit or license hereunder shall file with the City Collector in duplicate a sworn application in writing on a form to be furnished by the City Collector setting forth the information required by this Ordinance. Any applicant

shall pay a \$30.00 non-refundable application fee when submitting the completed application to the City Collector.

Section 21.20. Contents of Application. The Application shall provide the following information:

- (a) Full name, description, birth date, and social security number of each individual applicant.
- (b) Address, both legal and local.
- (c) Telephone number of individual both residential and business.
- (d) Driver's license number and issuing state.
- (e) Sales tax number.
- (f) Nature of business and kinds of goods or services to be sold.
- (g) If employed by another, the name and address of the applicant's employer, together with a brief description of the credentials showing the exact relationship.
- (h) Length of time for which right to do business is requested.
- (i) Description and license number or other identification of any vehicle to be used.
- (j) Whether or not applicant has held a peddler's license before in Missouri.

Section 21.21. Investigation and Issuance of License.

- (a) Police Report. Upon receipt of an Application for permit or license the City Collector shall refer one copy to the Chief of Police who shall note thereon any record concerning Applicant which may appear from the official records in his charge and return the same promptly to the City Collector.
- (b) City Collector's Inquiry. The City Collector shall cause such other investigation or inquiry to be made concerning Applicant or Applicant's employer as he may deem necessary to determine the character and business responsibility of Applicant and whether his application is in compliance with the terms and conditions of this Ordinance. The City Collector shall also check to see if applicant has paid any license fee from previous years.

- (c) Issuance of Permit or License; Badge. If, as a result of the investigation, the character and business responsibility of Applicant are found to be satisfactory and the application is in compliance with the terms and conditions of this Ordinance the City Collector shall issue the permit or license.
- (d) Disapproval. If, as a result of the investigation provided for in this Section, the Applicant's character or business responsibility or that of his employer are found to be unsatisfactory or the facts stated in such Application are found to be untrue, the Chief of Police or City Collector shall endorse on such Application his disapproval thereof and the reasons for the same and the City Collector shall then notify the Applicant that his Application has been disapproved and that no license will be issued.
- (e) Appeal. Any Applicant aggrieved by the action of the Chief of Police or the City Collector in the denial of a permit or license as provided herein shall have the right to appeal therefrom to the City Council of the City of Neosho. Such appeal shall be filed in writing with the City Council within fourteen (14) days after notice of the action complained of has been given to the Applicant personally or mailed, postage prepaid, to the address stated in his application. The City Council shall set a time and place for a hearing on such appeal, notice of which shall be given to the Applicant at least five (5) days prior to the date set for hearing. The decision and order of the City Council on such appeal shall be final and conclusive.

Section 21.22. Revocation of License.

- (a) Grounds for Revocation. Permits and Licenses issued under the provisions of this Ordinance may be revoked by the City Collector after notice has been served on the Applicant for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the Application for License.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler, solicitor or canvasser.
 - 3. Any violation of this Ordinance.
 - 4. Conviction of any felony or other crime involving dishonesty.

Section 21.23. Notice of Revocation and Hearing. Notice of the revocation of a license shall be in

writing, setting forth with particularity the grounds of complaint. Upon receipt of a complaint, the City Collector shall forthwith revoke the license so issued and shall contemporaneously therewith set a time and place for hearing. The hearing shall be conducted by the City Collector, at which hearing evidence may be presented by the complainant and the licensee or permittee. After receiving and considering such evidence the City Collector shall reinstate the license or shall permanently revoke the same. The hearing before the City Collector must be conducted within five (5) days from the date of the receipt of the complaint. Any person aggrieved by a decision of the City Collector shall have the right to appeal to the City Council of the City of Neosho as set forth in Section 7(e) above.

Section 21.24. Transfer Prohibited. No license or permit issued under the provisions of this Ordinance shall be used or worn at any time by any person other than the one to whom it was issued. Violation of this Section shall constitute a misdemeanor.

Section 21.25. Use of Streets. No peddler, canvasser or solicitor shall have any exclusive right to any location in the public streets nor shall any be permitted a stationary location nor shall any be permitted to operate in a congested area where operations might impede or inconvenience the public.

Section 21.26. Fees.

(a) Rate. For the issuance of a license the City Collector shall assess and receive a fee based on gross sales as follows:

(1) from \$0 to \$50,000 gross sales	\$10 fee
(2) over \$50,000 to \$100,000 gross sales	\$15 fee
(3) over \$100,000 to \$500,000 gross sales	\$20 fee
(4) over \$500,000 gross sales	\$25 fee

(b) Exemption. A license but no fee shall be required of one selling products of the farm or orchard actually produced by the seller on land owned or leased by the seller located within the State of Missouri; nor shall any license be required of one selling firewood.

Section 21.27. Expiration of License. All licenses issued under the provisions of this Ordinance shall

expire on the date specified on the license.

Section 21.28. Penalty. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished according to Section 1-11 of the Code of Ordinances.

Section 21.29. Severance Clause. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to the invalid or unconstitutional such decision shall not affect the validity of the remaining Sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand not withstanding the invalidity of any part.

Approved after final passage this 17TH day of MAY, 1988.

CITY OF NEOHSO, CITY COUNCIL

BY: Dr. Charles E. Ball
Mayor

ATTEST:

James E. Haddock
City Clerk

APPLICATION FOR SOLICITORS/PEDDLERS PERMIT AND CERTIFICATE

Name _____ Date of Birth _____

Address _____ SS# _____

Home phone _____ Business phone _____

Driver's license number _____ State _____

Sales tax number _____

Type of bond (Required \$5,000.00) _____

Issuing company for bond _____

Name of company representing _____

Address _____

Nature of Business _____

Kinds of goods or services to be sold _____

Relationship with company _____

Length of time requested to do business in Neosho _____

Type automobile _____

License tag number _____ Year _____

Have you ever been convicted of a felony or other offense involving dishonesty? _____. If yes, what was nature of offense and punishment or penalty assessed. _____

signed

date

application received by and date.

approved/disapproved