



**SOLICITORS LICENSE APPLICATION**

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

If an issue arises we must be able to contact a Supervisor. This information is required.

Supervisor's Name: \_\_\_\_\_

Supervisor's Permanent Home Address: \_\_\_\_\_

Supervisor's Full Local Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Does the Supervisor have a Solicitor's License with the City of Wentzville? Yes\_\_\_ No\_\_\_

Will he/she be applying for a license with the City of Wentzville? Yes\_\_\_ No\_\_\_

Will the Supervisor be in the city limits of Wentzville when you are soliciting? Yes or No

Type of vehicle (Year, Make, Model): \_\_\_\_\_

# of passenger seats: \_\_\_\_\_

Vehicle License Plate#: \_\_\_\_\_ State: \_\_\_\_\_

Will you be the driver of this vehicle? Yes\_\_\_ No\_\_\_

If you will not be driving the vehicle listed, then provide the name of the person you will be riding with:

\_\_\_\_\_

Name and description of the nature of the business and goods to be sold: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The place where the goods or property proposed to be sold or orders taken for or the sale thereof are manufactured or produced, where such goods or products are located at the time such application filed and the proposed method of delivery: \_\_\_\_\_

\_\_\_\_\_

Has applicant ever been convicted of any crime, misdemeanor or violation of any municipal ordinance? Yes\_\_\_ No\_\_\_

Explain nature of offense(s) and punishment or penalty assessed therefore: \_\_\_\_\_

\_\_\_\_\_

**SOLICITORS LICENSE APPLICATION**

Has applicant ever had a charter, registration permit or license denied, suspended, revoked or enjoined by any court or governmental authority? Yes\_\_\_ No\_\_\_

I have received and read the Ordinance 3707.

\_\_\_\_\_  
Initials Date

Per Ordinance 3707, I understand that there will be no refund of the administration fee if license is not approved:

\_\_\_\_\_  
Initials Date

I authorize a copy of this application be used in the occurrence of an extension or renewal of this license by my current employer as listed on this application.

\_\_\_\_\_  
Initials Date

If there is a No Soliciting Sign/Sticker on the dwelling, I will not knock upon the resident's door.

\_\_\_\_\_  
Initials Date

I hereby testify that the above information is correct, valid and truthful and that I understand the information provided.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Received by:\_\_\_\_\_

Date Received:\_\_\_\_\_

Issued by:\_\_\_\_\_

Date Issued:\_\_\_\_\_

State Highway Patrol Check:

Reviewed and Approved by Wentzville Police Dept.

Signature:\_\_\_\_\_ Date: \_\_\_\_\_

City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

**Amended Bill No. 3865, an Ordinance Amending Chapter 610 of Title VI of the Municipal Code of the City of Wentzville to Amend Sections 610.010 to 610.140 Pertaining to Peddlers, Solicitors and Canvassers.**

**Whereas**, Chapter 610 of the Municipal Code of the City of Wentzville addresses regulation of the activities of peddlers, solicitors and canvassers within the City of Wentzville, Missouri (the "City"), and requires individuals and business seeking to engage in soliciting activities to submit a detailed application for each individual solicitor and for individuals to obtain solicitor licenses; and

**Whereas**, in order to ensure that the application and licensure process is thorough, but not unduly burdensome and to take reasonable steps to encourage solicitors to comply with the City's regulations regarding permissible conduct, it is the desire and intent of the Board of Aldermen to amend Sections 610.010 through 610.140 all for the health, safety and welfare of the City and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI as follows:**

**Section 1:** Sections 610.010 through 610.140 of the Municipal Code shall be amended by the repeal of such sections in full and the adoption of new Sections 610.010 through 610.140 as follows (new language underlined below):

**Section 610.010 Definitions.**

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

**CANVASSER**

Any person, firm, corporation or other entity, whether a resident of the City of Wentzville or not, which 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, or some patriotic, philanthropic social service, welfare, benevolent, educational, civic, fraternal, charitable purpose or cause even if incidental to such purpose the canvasser accepts a donation of money for or against such cause or if incidental to such donation there is a promise of some good or service, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

**CANVASSING**

Engaging in the activities described in "canvasser" above.

**SOLICITATION, SOLICITING OR PEDDLING**

Engaging in the activities described in the definition of "Solicitor/Peddler" herein.

**SOLICITOR/PEDDLER**

Any person, firm, corporation or other entity, whether a resident of the City of Wentzville or not, traveling either by foot, automobile or any other type of conveyance from place to place, from house to house or from street to street directly selling goods, wares, merchandise, personal property of any nature whatsoever or services, or taking or attempting to take orders for, or distributing information, whether written or oral, pertaining to the sale of goods, wares and merchandise, personal property of any nature whatsoever, or services, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. Distributing a handbill or flyer advertising a commercial event or service shall not be considered solicitation, soliciting or peddling if direct contact with the inhabitant or owner of a property is not attempted.

**Section 610.020 Exception.**

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty of his/her employer.

**Section 610.030 Application for License - Filing Fee.**

- A. Prior to engaging in solicitation or peddling activities (hereinafter "soliciting") within the City, each person who will engage in those activities within the City, but excluding those who are employed by a business licensed or registered by the City of Wentzville or a business having a business address in the City that is not required to have a business license issued by the City and who are engaged in soliciting for such business, must have submitted an application and administration fee to, and have been issued a valid license by the City of Wentzville. An applicant for a solicitor's license must file with the City Clerk a sworn application in writing and in duplicate on a form to be furnished by the City Clerk, which shall give the following information:
1. The name and description of the applicant;
  2. The permanent home address and telephone number and full local address and telephone number of the applicant;
  3. A brief description of the nature of the business and the goods sold; and a copy of any sales pitch;
  4. If employed, the name and address of the employer, with credentials establishing the exact relationship;
  5. The length of time for which the right to do business is desired;

6. The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;
  7. A photograph of the applicant taken within sixty (60) days immediately prior to the date of filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
  8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore. Also, whether the applicant has ever had a charter, registration permit or license denied, suspended, revoked or enjoined by any court or governmental authority;
  9. A copy of the Missouri Sales Tax License or a Missouri Registration Certificate must be provided;
  10. A State Highway Patrol check must be provided from the state of the applicant's permanent residence issued not more than 6 months prior to the date of application;
  11. The year, make, and model of the vehicle that will be used and names of people who will be riding in the vehicles; and
  12. Such other information as the City may require.
- B. At the time of filing the application, an administration fee of twenty-five dollars (\$25.00) shall be paid to the City Clerk to cover the cost of processing the application for a solicitor's license.
  - C. Upon submission of a completed application form and payment of both the administration fee and the license fee, unless the City Clerk determines the application is incomplete or the information provided identifies a health, safety or general welfare basis to deny the issuance of a solicitor's license, the City Clerk shall issue a solicitor's license to the applicant.
  - D. A solicitor's license may be extended or renewed without the requirement for the applicant/licensee to submit a new application, provided the period between the last solicitor's license and the requested extended or renewed license is not greater than 30 days, the applicant/licensee confirms in writing that his/her prior application remains accurate and the State Highway Patrol background check is not dated more than 6 months prior to the proposed last date of the extended/renewed solicitor's license.
  - E. Notwithstanding anything to the contrary herein, however, all recognized charitable organizations or any other bona fide, non-profit, charitable, educational, political, social

welfare or religious organization involved in canvassing activities shall be exempt from the terms of this Chapter except that all such persons, firms, corporations or other entities shall not engage in any of the unlawful practices set forth in Section 610.060 nor engage in canvassing outside of the permitted hours of operation set forth in Section 610.120 below.

- F. Businesses, firms, entities and corporations registered or licensed within the corporate limits of the City of Wentzville shall be exempt from the terms of this Chapter except that all such persons, firms, corporations or other entities shall not engage in any of the unlawful practices set forth in Section 610.060, nor engage in soliciting or peddling outside of the permitted hours of operation set forth in Section 610.120 below and shall comply with the requirements of Section 610.130 below regarding solicitation on public streets. Employees of businesses, firms, entities and corporations registered or licensed within the corporate limits of the City of Wentzville that engage in soliciting shall be subject to the penalties addressed in Section 610.140 below upon any finding that such person has violated the requirements of Sections 610.060, 610.120 or 610.130.

**Section 610.040 License Fees.**

The license fee which shall be charged by the City Clerk for the license required by this Chapter shall be ~~five~~ *seven* dollars (\$7.50) per day. No license fee shall be transferrable from one licensee to another. *and fifty cents. 2/23/17 V.S. NG*

**Section 610.050[RESERVED].**

**Section 610.060 Unlawful Practices.**

- A. The following acts and practices are hereby declared unlawful as applied to the planning, conduct or execution of any solicitation by a solicitor or canvasser:
1. Operating in violation of, or failing to comply with, any of the requirements of this Chapter.
  2. Utilizing any unfair or deceptive acts or practices. In deciding whether an act or practice is unfair or deceptive within the meaning of the Subsection, definitions, standards and interpretations relating thereto under the Fair Merchandising Practices Act Chapter 407 et seq. shall apply.
  3. Misrepresenting or misleading anyone in any manner to believe that any other person sponsors, endorses or approves such solicitation when such other person has not given consent in writing to the use of his/her or its name for these purposes.
  4. Utilizing or exploiting the fact of registration or licensing so as to lead any person to believe that such registration or licensing in any manner constitutes an endorsement or approval by the City.

488

5. Refusing or failing to leave any building, any enclosed or improved real estate, lot, parcel of ground or any other private property in the City when requested to leave by the owner or occupant.
6. Soliciting at a residence or business where a "No Soliciting" sign is posted.

**Section 610.070 Display of License.**

Solicitors and Peddlers are required to at all times maintain on their person a valid, current solicitor's license issued by and on file with the City and to exhibit their licenses at the request of any Police Officer.

**Section 610.080 Badge.**

In addition to the solicitor's license, the City Clerk shall issue to each licensee at the time of delivery of the solicitor's license as required by this Chapter a badge which shall contain the words "licensed solicitor", the period for which the license is issued and the number of the license in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaged in soliciting or peddling, be worn constantly by the licensee on the front of his/her outer garment in such a way as to be conspicuous.

**Section 610.090 Enforcement.**

It shall be the duty of any Police Officer to require any person seen soliciting or peddling to be duly licensed, to produce his/her solicitor's license, to wear his/her badge in a conspicuous manner, and to enforce the provisions of this Chapter against any person found to be violating the same.

**Section 610.100 Records.**

The Chief of Police shall report to the City Clerk all convictions for violation of this Chapter; and the City Clerk shall maintain a record for each license issued and record the reports of violation thereof.

**Section 610.110 Suspension, Revocation of License.**

- A. The license of any solicitor issued under this Chapter, who makes a false statement or misrepresentation in an application for license, or who otherwise violates any provision of this Chapter, or who conducts the business of soliciting in an unlawful manner or in such manner as to constitute a menace to the health, safety or general welfare of the public, may be temporarily suspended or revoked by the Chief of Police of the City for a period not to exceed ten (10) days.
- B. In event of such temporary suspension or revocation, a notice of temporary suspension or revocation shall be mailed to the licensee and his/her employer at their respective last

508

known addresses, certified mail return requested. Said notice of suspension or revocation shall also provide a notice of hearing before the City Administrator of the City setting forth specifically the grounds of the complaint and the time and place of the hearing. Said notice shall be mailed to the licensee and his/her employer at least five (5) days prior to the hearing.

- C. After notice and hearing, the City Administrator for the City may issue an order permanently suspending or revoking the license. Said order shall be mailed, postage prepaid, to the licensee at his/her last known address.
- D. No soliciting shall occur during the period of suspension or revocation or before the completion of such hearing before the City Administrator.
- E. Upon the Chief of Police or City Administrator determining that two or more violations of this Chapter have occurred by one or more licensees who are soliciting for the same business/employer within a twelve-month period, the City Clerk shall provide written notice to such business/employer that the business/employer shall be barred from having any employees or other representatives engage in soliciting activities in the City for a period of twenty days.

**Section 610.120 Hours of Operation.**

All persons, firms, corporations or other entities engaging in solicitation or transient merchant activities shall be permitted to conduct such activities within the City only between the hours of 10:00 A.M. and thirty (30) minutes before sunset, Monday through Saturday.

**Section 610.130 Regulation of Solicitors on Public Streets.**

- A. The Board of Aldermen recognize the desire of various groups and organizations to solicit money from vehicles traveling along public streets within the City of Wentzville, but believe it necessary to place certain reasonable restrictions on such activity in order to insure the public safety and general welfare pursuant to the provisions of Section 79.450, RSMo.
- B. No individuals, groups or organizations shall solicit funds along public streets without first obtaining a solicitor's license from the City Clerk pursuant to the provisions of Section 610.030 et seq. of the City Code. The completed application and supporting documents are to be submitted at least two (2) weeks prior to the planned solicitation. There shall not be more than one (1) permit issued per day.
- C. The number of individuals soliciting funds shall not exceed four (4) at any street intersection and there shall be no more than six (6) intersections, as designated by the City, where such solicitation will be allowed. No more than one (1) such solicitation in the City's streets per year will be permitted by any individual, group or affiliation thereof. Solicitors will be required to wear reflective safety vests whenever soliciting in the streets.

The minimum age limit for solicitors shall be fourteen (14) and there must be adult supervision. The time period of such solicitation shall not be greater than four (4) hours.

- D. Those individuals engaged in such solicitation must be part of a not-for-profit group or organization who provide proof of such membership and not-for-profit status, as well as a certificate of insurance protecting the City and its officers and employees. Individual solicitors will also be required to execute a hold harmless agreement prior to any solicitation.

**Section 610.140 Penalties.**

Any solicitor, peddler or canvasser who engages in unlawful practices as defined in Section 610.060 may be punished by a fine not to exceed five hundred dollars (\$500.00), or imprisonment for up to ninety (90) days, or both.

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 22 DAY OF February, 2017.

*Nickolas Guccione*  
Mayor, Nickolas Guccione

Attest:

*Kathryn Bowman*  
Assistant City Clerk, ~~Vitula Skillman~~  
*Kathryn Bowman*

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 24 DAY OF February, 2017.

*Nickolas Guccione*  
Mayor, Nickolas Guccione

Attest:

*Kathryn Bowman*  
Assistant City Clerk, ~~Vitula Skillman~~  
*Kathryn Bowman*

Approved as to Form:

\_\_\_\_\_  
Attorney

7 of 8

The minimum age limit for solicitors shall be fourteen (14) and there must be adult supervision. The time period of such solicitation shall not be greater than four (4) hours.

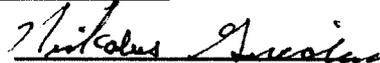
- D. Those individuals engaged in such solicitation must be part of a not-for-profit group or organization who provide proof of such membership and not-for-profit status, as well as a certificate of insurance protecting the City and its officers and employees. Individual solicitors will also be required to execute a hold harmless agreement prior to any solicitation.

**Section 610.140 Penalties.**

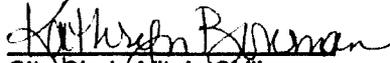
Any solicitor, peddler or canvasser who engages in unlawful practices as defined in Section 610.060 may be punished by a fine not to exceed five hundred dollars (\$500.00), or imprisonment for up to ninety (90) days, or both.

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and approval.

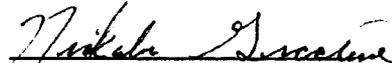
READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 22 DAY OF February, 2017.

  
Mayor, Nickolas Guccione

Attest:

  
Assistant City Clerk, ~~Vitula Skillman~~  
Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 24 DAY OF February, 2017.

  
Mayor, Nickolas Guccione

Attest:

  
Assistant City Clerk, ~~Vitula Skillman~~  
Kathryn Bowman

Approved as to Form:

  
Attorney

848