



VILLAGE OF TWIN OAKS

1393 Big Bend Road, Suite F • Twin Oaks, MO 63021
(636) 225-7873 • fax (636) 225-6547 • www.vil.twin-oaks.mo.us

PEDDLER, SOLICITOR, CANVASSER APPLICATION

Fee: \$5.00 per licensee Application being applied for: Peddler Solicitor Canvasser

INFORMATION OF COMPANY/ORGANIZATION APPLYING FOR PERMIT:

Name: _____ Today's Date: _____

Full Address: _____ Phone: _____

_____ Email: _____

Does company/organization represent another party? YES NO *If YES, please see PART 2, below.*

Description of proposed activity related to this permit (Copies of literature may be attached): _____

Date Solicitation to Begin: _____ Date to End: _____

PART 1 – APPLICANT INFORMATION:

Required for each individual requesting an identification card. Please make copies for additional applicants. Misrepresentation of information on this application will result in denial or revocation of the permit.

Applicant's Full Name: _____ Date of Birth: _____

Race: _____ Male Female Applicant's SSN _____ - _____ - _____

Driver's license number: _____ State of Issue: _____

Permanent address: _____ Phone: _____

_____ Alt. Phone: _____

Local Address: _____ Phone: _____

_____ Alt. Phone: _____

List all infractions/offenses/misdemeanors/felony convictions of each applicant: _____

Applicants Motor Vehicle – Year/Make/Model: _____ Plate #: _____

Applicant Signature: _____ Date: _____

PART 2 – SOLICITORS & PEDDLERS ONLY: *Information of organization, person or group for whom donations or proceeds are accepted OR Information of business offering the event, activity, goods or service (i.e., the peddler's principal)* Is company or organization a: Not-For-Profit For Profit

Name: _____ Phone: _____

Full Address: _____ Email: _____

_____ Website: _____

Applicant Signature: _____ Date: _____

***** **FOR OFFICE USE ONLY** *****

Village Signature: _____ Date of Approval: _____

Amount Paid: _____ Cash/Check #: _____ Date Received: _____

SECTION 630.010: DEFINITIONS

The following words, terms and phrases and their derivations used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

CANVASSER: Any 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.

CHARITABLE: Includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educations, civic, cultural or fraternal, either actual or purported.

CONTRIBUTIONS: Includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

PEDDLER: Any person who goes upon the premises of any private residence in the Village, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Chapter. 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 a resident for purchase at a location away from his/her residence or at a time different from the time of visit.

PEDDLING: Includes all activities ordinarily performed by a peddler as indicated in the definition of "peddler".

SOLICITATION: Includes all activities ordinarily performed by a solicitor as indicated in the definition of "solicitor".

SOLICITOR: Any person who goes upon the premises of any private resident in the Village, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future.

This definition also includes any person who, without invitation, goes upon private property to request contribution of funds or anything of value or sell goods or services for political, charitable, religious or other non-commercial purposes.

SECTION 630.020: PERMIT REQUIREMENTS AND EXEMPTIONS

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the Village of Twin Oaks without first obtaining a permit issued by the Village Administrator; provided however, that the following are exempted from the provisions of this Section:

1. Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
2. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
3. Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person;
4. Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary; or
5. A "canvasser" as defined in Section 630.010.

SECTION 630.030: PERMIT APPLICATION

Every person subject to the provisions of this Chapter shall file with the Village an application in writing on a form to be furnished by the Village, which shall provide the following information:

1. Proof of age, address and identification of the applicant to be provided through the applicant's driver's license, articles of incorporation (for sponsors) or other legally recognized form of identification;

2. A brief description of the business or activity to be conducted;
3. The hours, location and length of time for which the right to peddle or solicit is desired;
4. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the same may be;
5. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;
6. Proof of possession of any license or permit which, under Federal, State or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirement of this Chapter.

SECTION 630.040: FEES

At the time the application is filed with the Village, the applicant shall pay a fee to cover the cost to the Village of processing the application and investigating the facts stated therein. The permit fee shall be five dollars (\$5.00) for each solicitor or peddler, which fee shall be waived for religious, political, community or non-profit organizations.

SECTION 630.050: APPLICATION REVIEW AND PERMIT ISSUANCE

- A. Upon receipt of an application, the Village Administrator or authorized representative shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- B. If the Village finds the application to be satisfactory, the Village Administrator shall endorse approval on the application and shall, upon receipt of the prescribed fee, issue the required permit to the applicant.
- C. The permit shall show the permittee's name and address, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.
- D. A record of all permits issued shall be maintained by the Village for a period of two (2) years.

SECTION 630.060: DENIAL OF PERMIT

- A. Upon the Village's review of the application, the Village Administrator may refuse to issue a permit to the applicant under this Chapter for any of the following reasons:
 1. The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 2. An investigation reveals that the applicant falsified information on the application;
 3. The applicant has been convicted of a previous felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances or any violent acts against persons or property;
 4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered;
 5. There is no proof as to the authority of the applicant to serve as an agent to the principal;
 6. The applicant has been denied a permit under this Chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Village that the reasons for such earlier denial no longer exist.
- B. The Village Administrator's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

SECTION 630.070: PERMIT EXPIRATION

All permits issued under the provisions of this Chapter shall expire two (2) weeks from the date of issuance, unless an earlier expiration date is noted on the permit.

SECTION 630.080: PERMIT EXHIBITION

Every person required to obtain a permit under the provisions of this Chapter shall exhibit the permit at all times in plain sight for residents and/or Village employees to see.

SECTION 630.090: TRANSFER PROHIBITED

It shall be unlawful for any person other than the permittee to use any permit issued under the provisions of this Chapter.

SECTION 630.100: HOURS OF SOLICITATION

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 P.M. and 9:00 A.M. Sunday through Saturday.

SECTION 630.110: PERMIT REVOCATION

Any permit issued under this Chapter may be revoked or suspended by the Village Administrator, after notice and hearing, for any of the following reasons:

1. Fraud, misrepresentation or false statement contained in the application for a permit;
2. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
3. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
4. Conviction for any crime involving moral turpitude; or
5. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

SECTION 630.120: NOTICE AND HEARING

Notice of a hearing for revocation of a permit issued under this Chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

SECTION 630.130: APPEALS

- A. Any person aggrieved by the action or decision of the Village Administrator to deny, suspend or revoke a permit applied for under the provisions of this Chapter shall have the right to appeal such action or decision to the Board of Trustees within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form or to his last known address.
- B. An appeal shall be taken by filing with the Village Administrator a written statement setting forth the grounds for the appeal.
- C. The Village Administrator shall transmit the written statement to the Board of Trustees within ten (10) days of its receipt and the Board of Trustees shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

F. The decision of the Board of Trustees on the appeal shall be final and binding on all parties concerned.

SECTION 630.140: CLAIMS OF EXEMPTION

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a permit fee, shall cite to the Village Administrator the Statute or other legal authority under which exemption is claimed and shall present to the Village Administrator proof of qualification for such exemption.

SECTION 630.150: VIOLATIONS AND PENALTY

A. Violation of any of the provisions of this Chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.

B. In addition to any criminal enforcement, the Village or any individual may pursue any available civil remedies deemed appropriate and necessary.

SECTION 630.160: SEVERABILITY

The provisions of this Chapter are declared to be severable. If any Section, sentence, clause or phrase of the Chapter shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining Sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect; it being the legislative intent that this Chapter shall remain in effect notwithstanding the validity of any part.

SECTION 630.170: SALE OF GOODS OR SERVICES PROHIBITED IN PUBLIC RIGHTS-OF-WAY

A. Notwithstanding the other terms and conditions of this Chapter of the Village of Twin Oaks, the sale of goods and services for profit within the rights-of-way is prohibited except that solicitations of contributions from the occupant of any vehicle by a person standing on or in proximity to a street or highway will be permitted only at any intersection or combination of intersections designated in Exhibit I of this Chapter which is controlled by an electric signal and which meets the following conditions:

1. A permit is obtained from the Village Administrator/Clerk of the Village of Twin Oaks;
2. The soliciting organization is a bona fide charitable organization as documented by having obtained tax exempt status under Section 501(c)(3) from the Internal Revenue Service;
3. All solicitors must be eighteen (18) years of age or older;
4. Only one (1) solicitation per organization annually will be approved and must be in conjunction with an area-wide fundraising activity, area-wide fundraising activity being designated as the Greater Metropolitan St. Louis area;
5. The soliciting organization shall submit a written agreement wherein it will hold harmless the Village of Twin Oaks from any and all liability arising out of the solicitation by its members in the Village;
6. Solicitors must remain on the concrete median or on the margin of the first (1st) lane of travel at all times during solicitation;
7. Each solicitor shall wear a reflective vest of the type required by OSHA for persons working in a dangerous environment.

B. The penalties provided for violation of this Section shall be those previously set forth in Section 630.150 of this Chapter.

EXHIBIT I

SOLICITATION ALLOWED AT THE FOLLOWING INTERSECTIONS

In accordance with Section 630.170 and this Chapter, solicitation is allowed at the following intersections:

1. Median of eastbound Big Bend Road and Highway 141: First (inner) left turn lane only.
2. Median of westbound Big Bend Road at Highway 141: First (inner) left turn lane only.
3. Median of eastbound Big Bend Road at Twin Oaks Center: Single left turn lane only.
4. Northbound exit of Highway 141 at Big Bend Road: First (inner) left turn only.
5. Southbound exit of Highway 141 at Big Bend Road: First (inner) left turn lane only.