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Recorder of Deeds

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VILLAGE OF LEAWOOD
P.O. Box 2032, Joplin, Missouri 64803

**Business and Occupation
Peddlers and Solicitors**

ORDINANCE NO. 2021-2
Passed on March 25, 2021

AN ORDINANCE FOR THE LICENSING OF BUSINESSES IN THE VILLAGE OF LEAWOOD, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Village of Leawood wishes to regulate the conduct of certain businesses within the Village of Leawood; and

WHEREAS, it is the desire of the Board of Trustees of the Village of Leawood to adequately provide for provision of business licenses and occupational taxes within the Village concerning peddlers and solicitors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LEAWOOD, MISSOURI, AS FOLLOWS:

BUSINESS AND OCCUPATION CHAPTER 002. Peddlers and Solicitors

Section 002.010. Definitions.

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

CANVASSER

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.

PEDDLER

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".

SOLICITOR

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.

Section 002.020. 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 for his/her employer.

Section 002.030. Peddler and Solicitor License Required for Peddlers and Solicitors, Available for Canvassers.

No person shall act as a peddler or as a solicitor within the Village without first obtaining a Peddler and Solicitor License in accordance with Village Code Chapter 1, Section 001.040 (C). A canvasser is not required to have a Peddler and Solicitor License, but any canvasser wanting a Peddler and Solicitor License for the purpose of reassuring Village residents of the canvasser's good faith shall be issued one upon request; such License shall clearly identify the holder as a Canvasser.

Section 002.040. Application for Peddler and Solicitor License.

Any person or organization, formal or informal, may apply for one (1) or more Licenses by completing an application form at the office of the issuing officer during regular office hours.

Section 002.050. Contents of Application.

- A. The applicant, person or organization shall provide the following information:
1. Name of applicant.
 2. The name, physical description and photograph of each person who shall be engaged in peddling or solicitation pursuant to the License. In lieu of this information, a driver's license, State identification license, passport or other

government-issued identification license issued by a government within the United States containing this information may be provided and a photocopy taken.

3. The permanent and, if any, local address of the applicant.
4. The permanent and, if any, local address of each person for whom a license is requested.
5. A brief description of the proposed activity related to this license. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
6. Date and place of birth for each person for whom a license is requested and, if available, the social security number of such person.
7. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a license is requested for the seven (7) years immediately prior to the application.
8. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a license is requested.
9. If a license is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the Village's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine that all Village sales taxes have been paid.
10. If a license is requested for a solicitor:
 - a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.

11. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

Section 002.060. Issuance of Peddler and Solicitor License.

- A. The license(s) shall be issued promptly after 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 has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
 2. With respect to a particular license, the individual for whom a license is requested 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 002.070. Investigation.

During the period of time following the application for one (1) or more licenses and its issuance, the Village shall investigate as to the truth and accuracy of the information contained in the application. If the Village has not completed this investigation within the sixteen (16) business hours provided in Section 002.070, the license will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an license, the investigation will proceed as described above, but if the Village refuses to issue the license (or revokes it after issuance), the canvasser will be advised that the failure to procure an license does not prevent him/her from canvassing the residents of the Village.

Section 002.080. Peddler and Solicitor Licenses of Other Village.

Instead of the application procedure above, if an applicant produces a Peddler and Solicitor License or identification card issued by another Village or City having an ordinance substantially the same as this one, the issuing officer may in his/her discretion immediately issue Peddler and Solicitor Licenses without the necessity of a formal application or investigation.

Section 002.090. Denial – Administrative Revocation.

If the issuing officer denies, or upon completion of an investigation revokes, the Peddler and Solicitor License to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) 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 to the Trustees of the Village of Leawood, application for such appeal to be made in writing and delivered to the Village Clerk.

Section 002.100. Hearing on Appeal.

If the applicant requests a hearing under Section 002.100, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the Village is located. The hearing shall also be subject to the Missouri open meetings and records law.

Section 002.110. Display of Peddler and Solicitor License.

Each Peddler and Solicitor License shall be, when the individual for whom it was issued is acting as a peddler or solicitor, 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 002.120. Validity of Peddler and Solicitor License.

An Peddler and Solicitor License shall be valid within the meaning of this Chapter for a period of one (1) week, or one (1) month from its date of issuance or the term requested, whichever fee is paid pursuant to Village Ordinance § 001.040 (C).

Section 002.130. Revocation of License.

- A. In addition to the administrative revocation of an Peddler and Solicitor License, a license 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 license was issued.
 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.

3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
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.

The revocation procedure shall be initiated by the filing of a complaint by the Village Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 002.100 above.

Section 002.140. Distribution of Handbills and Commercial Flyers.

A. 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:

1. 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.
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 Section 002.160(1) and (2).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an Peddler and Solicitor License or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the Village receives a complaint of damage caused to private property during the distribution of handbills or flyers.

Section 002.150. General Prohibitions.

A. No peddler, solicitor or canvasser shall:

1. 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 (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.

2. 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.
3. 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.
4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
5. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

Section 002.160. Violation to be Prosecuted as Trespass.

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the Village. The penalty for such violation shall be the same as for any other trespass.

FIRST READING: March 25, 2021

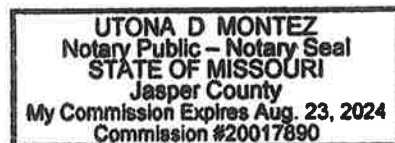
SECOND READING: March 25, 2021

Passed by the Board of Trustees of the Village of Leawood this 25th day of March 25, 2021.

Village of Leawood, Missouri

By: Denis Desmond
 Denis Desmond, Chairman Board of Trustees

ATTEST:
Dale Owen
 Dale Owen, Village Clerk



Utona Montez
4/28/21

Village of Leawood Peddler and Solicitor Application

Date: _____

Business Name: _____

Proprietorship Partnership: _____ LLC: _____ Corporation: _____

Owner/President's Name: _____

Business Address: _____

Mailing Address: (If different): _____

Business Phone #: _____ Fax #: _____

Emergency Phone #: _____

Federal Tax ID Number: _____ MO Sales Tax# _____

A copy of your Sales Tax ID and a "No Tax Due" Report must be included with application.

Type of Occupation: _____

(Only One Type of Occupation Per Application)

Insured: Yes _____ No _____ If yes with whom: _____

Work Comp Ins: Yes _____ No _____ If yes with whom: _____

(Please attach proof)

Is your business home based? Yes _____ No _____

Do, or will, you or your facility discharge any wastewater into the Village's sewers, other than from restrooms: Yes _____ No _____ If yes, describe: _____

Number of Employees: (If applicable) Full Time _____ Part time _____

Personal Information of Applicant

Name: _____

Address: _____

City, State, Zip Code: _____

Home Phone #: _____ Cell Phone#: _____

Under Oath, I affirm that I participate in a Federal Work Authorization Program and do not and shall not employ any person who does not have the legal right or authorization under Federal Law to work in the United States (Refer to Missouri HB 1549).

I, the undersigned certify that the above information is true and accurate.

Signature of Applicant: _____

Office Use Only

Identification Used: (i.e. Drivers License) _____

Expiration Date of Identification Document: _____

Peddler and Solicitor License Number: _____

Date Paid: _____ Amount Paid: _____

Approved By: _____

(Signature of City Clerk)