



CITY OF LADUE

SOLICITOR AND CANVASSER LICENSE APPLICATION

Applicant Information

Full Legal Name of Applicant: _____

DOB: _____ SSN: _____ Place of Birth: _____

Current Permanent Address: _____

Phone Number: _____ Email: _____

Other Names Used in the Last 10 Years: _____

Have you ever been convicted of any felony or misdemeanor (excluding minor traffic offenses)?

If YES, Provide the following:

<u>Type of Offense</u>	<u>Penalty Imposed</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you ever been denied a solicitation license or had a solicitation license revoked by any government entity?

YES NO If YES, Explain reason for denial, location, and date: _____

Business Information

Name of Business Represented: _____

Address: _____

Phone Number: _____ Website: _____

Preferred Contact: (check one) Personal Business

Description Of Proposed Activity (A copy of literature to be distributed may be substituted for this description):

Duration of Intended Solicitation/Canvassing: _____

Vehicle Information Provide the following information for each motor vehicle which shall be used in the proposed solicitation or canvassing activity:

Year: _____ Make & Model: _____ Color: _____

License Plate: _____ VIN: _____

MUST BE INCLUDED WITH APPLICATION:

- Copy of valid insurance on vehicle
- Copy of Applicant’s proof of identification (i.e. – Driver’s license, U.S. Passport, etc.)
- If FUNDS are to be solicited you must provide:
 - o The name, phone number and permanent address of the organization or person who can provide a prospective donor with more information about the use of such funds.
 - o The name, address, and phone number of the organizations or persons for whom solicitors receive donations or profits.
- If GOODS or services are to be sold:
 - o The name and permanent address of the business offering the good or service (i.e., the applicant's principal).
 - o A copy of the principal's sales tax license as issued by the State of Missouri.
 - o The location where books and records are kept of sales which occur within the city and which are available for city inspection to determine that all city sales taxes have been paid.

FEES:

- \$34** non-refundable Fingerprinting/Background Check Fee *(Must then schedule with Police Department 314-993-1214 for appointment to be fingerprinted)*
- License Fee: **\$25** for 3 months or **\$100** for 1 year.

I _____ certify that all statements and information provided in this application are true to the best of my knowledge. Additionally, I acknowledge that I have received a copy of the Solicitors and Canvassers Ordinance #1921 for the City of Ladue along with a “NO SOLICIT LIST” and that I have read and will adhere to this ordinance.

(Signature of Applicant)

State of Missouri)
) ss.
County of St. Louis)

On this _____ day of _____ 20_____, before me, the undersigned notary public, personally appeared _____ who so identified him/herself as such by a government-issued photographic identification, whose name is subscribed to the above license application and acknowledged that he/she executed the same for the purposes therein contained and the statements contained therein are true and correct to his/her best knowledge and belief. In witness whereof, I have hereunto set my hand and official seal.

Notary Public

My commission expires: _____

This application is also available in alternative format (e.g. large print, braille) by request.

Chapter 70 - PEDDLERS AND SOLICITORS

Sec. 70-1. - Definitions.

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

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 or property owner for the primary purpose of:

- (1) Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, whether or not if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or
- (2) Distributing a handbill or flier advertising a noncommercial event or service.

Handbill: Any pamphlet, circular, leaflet, booklet, paper or other printed or written material, but shall not include newspapers, magazines, and periodicals.

Handbiller: Any person who goes upon any private premises (residential or business) to distribute any handbill, without attempting to make personal contact with any resident, occupant, or property owner.

Person: As defined in section 1-3.

Solicitor: Any person who goes upon the private premises (residential or business) of another and attempts to make personal contact with a resident or occupant without prior specific invitation or appointment from the resident, occupant, or property owner for the primary purpose of:

- (1) Attempting to sell or offering for sale any good, wares, merchandise, magazines, chances, raffle tickets, or service;
- (2) Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political, or religious purpose whether or not if incidental to such purpose there is the sale of some good or service;
- (3) Soliciting orders and making deliveries of merchandise, services, or products to a person at a later date; or
- (4) Distributing handbills or fliers 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 than the time of the visit.

Sec. 70-2. - License—Required.

- (a) *Invitation; appointment.* It shall be unlawful for any solicitor to go upon the private premises (residential or business) of another and attempt to make personal contact with a resident or occupant without prior specific invitation or appointment from the resident, occupant, or

property owner for the primary purpose of acting as a solicitor without first obtaining from the city clerk a proper license for such activity.

- (b) *Canvassers; handbillers.* A canvasser or handbiller is not required to have a license but any canvasser or handbiller wanting a license for the purpose of reassuring city residents of the canvasser's or handbiller's good faith shall be issued one upon request.
- (c) *General exceptions.* This chapter shall not apply to a federal, state, or local government employee or a public utility employee acting in the performance of his/her duty for his/her employer.
- (d) *Partial exceptions.* Except for going upon those properties identified on the "no visit" list, this chapter shall not apply to persons calling upon members of their own church or religious organization; persons distributing newspapers of general distribution; and persons under the age of 19 years who are residents of the city and who are seeking support for activities of a school they attend.

Sec. 70-3. - License application; fees.

- (a) *License application.* Each person desiring to act as a solicitor within the city limits shall apply for a license for such activity with the city clerk before undertaking such activity, shall produce an official photographic identification card such as a driver's license, state identification card, passport or other identification card (issued by a government within the United States) and complete an application containing the following:
 - (1) Full name of the applicant, including any nickname or alias used during the past ten years.
 - (2) Date and place of birth and (if available) the Social Security number of such person.
 - (3) The current permanent and local address (if any), home telephone number, and cellular phone number (if any) of the applicant.
 - (4) A brief description of the proposed soliciting activity. (Copies of the literature to be distributed may be included as part of this description at the option of the applicant).
 - (5) A statement as to whether or not the applicant has ever been convicted of any felony or misdemeanor (excluding minor traffic offenses) and, if so, the nature of the offense, the penalty imposed and when and where the conviction or convictions occurred.
 - (6) The make, model, year, color, identification number, proof of insurance and state license plate number of each motor vehicle which shall be used in the applicant's proposed activity.
 - (7) A statement by the applicant as to whether or not a solicitation license for such person has been denied or revoked by any other governmental entity, and if so, the name of each governmental entity denying or revoking said license, the reason for each denial or revocation and the date(s) of same.
 - (8) A statement as to the duration of the intended soliciting.

- (9) If funds are to be solicited:
- a. The name, phone number and permanent address of the organization or person who can provide a prospective donor with more information about the use of such funds.
 - b. The name, address, and phone number of the organizations or persons for whom solicitors receive donations or profits.
- (10) If goods or services are to be sold:
- a. The name and permanent address of the business offering the good or service (i.e. the applicant's principal).
 - b. A copy of the principal's sales tax license as issued by the State of Missouri.
 - c. The location where books and records are kept of sales which occur within the city and which are available for city inspection to determine that all city sales taxes have been paid.
- (11) The application shall be signed and the applicant shall certify that all statements are true to the best of his/her knowledge and the applicant's signature shall be notarized.
- (b) *Fees.*
- (1) *License required.* Any person who desires to solicit within the city limits for any of the purposes mentioned in the definitions of "solicitor" in section 70-1 of this chapter shall apply for a license for such activity with the city clerk before undertaking such activity.
 - (2) *Fees.* Solicitors shall pay a fee of \$25.00 per person for a license to be valid for three months before such soliciting is authorized to be carried on within the city limits. Solicitors may elect to pay a fee of \$100.00 annually for each person requesting to solicit in the city under this article. All fees shall be paid in advance for the period of soliciting set forth in the license application.
 - (3) *Exempt from fees.* All nonprofit and charitable organizations recognized as such by either the United Way Fund, Internal Revenue Service, the Better Business Bureau of St. Louis or any other recognized charitable screening organization shall be exempt from the terms of this subsection regarding fees only.

Sec. 70-4. - Investigation of applicant.

As part of the application process for a license to solicit, the applicant shall be fingerprinted by the police department and record check conducted to verify the truth and accuracy of the information contained on the application as required in Section 70-3 herein to determine whether or not the applicant is entitled to the license hereinabove stated. If the city clerk or designee has not received the results of the record check within five business days of receipt of the application, the license will nonetheless be issued by the city clerk, subject, however, to revocation upon completion of such investigation. Such a revocation may be implemented without hearing, and shall have the same effect as a denial.

Sec. 70-5. - Issuance of license.

Five business days after the application is submitted to the city, or sooner if reasonably possible, the requested license shall be issued by the city clerk unless:

- (1) The application is incomplete.
- (2) The applicant has been convicted of any felony, without limitation as to time.
- (3) The applicant has been convicted of any misdemeanor involving moral turpitude, trespassing or any offense against the person or property of another within the past seven years.
- (4) The applicant has been arrested on felony charges that are pending on the date of the application.
- (5) If any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.
- (6) If the particular individual for whom a license is requested has or has had a previous license revoked in this or any other governmental entity for cause which could be grounds for denial or revocation under this article.

Sec. 70-6. - Denial or revocation of license.

- (a) If the city clerk denies (or upon completion of an investigation revokes) a license, he shall prepare promptly (and in no event later than two business days after the denial or revocation) a written report of the reason(s) for the denial or revocation, which shall be immediately made available to the applicant.
- (b) Any license granted hereunder may be revoked by the city clerk for any of the following causes:
 - (1) Any violation of this article by the person for whom the particular license was issued.
 - (2) Fraud, misrepresentation or incorrect statements made in the course of carrying on the activity.
 - (3) Conviction of any felony, without limitation as to time.
 - (4) The applicant has been arrested on felony charges.
 - (5) Conviction of a misdemeanor involving moral turpitude, trespassing or any offense against the person or property of another within the last seven years.
 - (6) Conducting the activity in such a manner as to constitute a breach or disturbance of the peace or a menace or nuisance to the health, safety or general welfare of the public.

Sec. 70-7. - Applicant's rights upon denial or revocation of license.

If a license is denied or revoked, said applicant shall have at his/her option an appeal relative to the denial or revocation of the license before the mayor. Such appeal shall be filed in writing within ten days of the denial or revocation.

Sec. 70-8. - Hearing on applicant's denial or revocation of license, procedure.

If the applicant requests a hearing before the mayor under section 70-7, the hearing shall be held in accordance with the Administrative Procedures Act of the State of Missouri, RSMo chapter 536, and review from the decision shall be had to the circuit court of St. Louis County, Missouri on the record.

Sec. 70-9. - Validity of license.

A license issued hereunder shall be valid for a period not to exceed one year from its date of issuance by the city or on the dates for which the license is issued and the proper fees paid, whichever is less.

Sec. 70-10. - "No visit" list.

The city clerk shall maintain a list of persons within the city who restrict visits to their residential property (including their leasehold, in the case of a tenant) by solicitors, canvassers, and handbillers. The city clerk may provide a form to assist residents, and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document and available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for, and each recipient of, a license under this chapter. If a canvasser chooses not to apply for a license, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list.

Sec. 70-11. - General prohibitions.

- (a) No solicitor, canvasser or handbiller shall enter upon any private property without prior invitation where the resident has placed his/her name on the "no visit" list as provided in section 70-10.
- (b) No solicitor, canvasser or handbiller shall solicit, canvass or handbill from public or private right-of-way.

Sec. 70-12. - Distribution of handbills.

In addition to the other regulations contained herein, a solicitor, canvasser or handbiller leaving handbills or commercial flyers about the city 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 and other city employees are authorized to remove any handbill or flyer found within the right-of-way.
- (2) No handbill or flyer shall be left 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 or attached to any of the property listed on the city "no visit" list.

Sec. 70-13. - Time limits.

No person shall solicit, canvass, or distribute handbills within the corporate limits of the city except between the hours of 9:00 a.m. and the time designated as sunset published for that date in the St. Louis Post-Dispatch or 7:30 p.m., whichever is earlier, Monday through Saturday.

Sec. 70-14. - Possession and display of license.

- (a) No person shall solicit within the corporate limits of the city without having in their possession a copy of a valid city solicitor's license; said license shall be worn on the outer clothing of the individual as so to be reasonably visible to any person. Any solicitor shall also have in his/her possession an official photographic identification card, as described in subsection 70-3(a), and shall produce said solicitor's license and identification upon request by a Ladue police officer.
- (b) No person holding a license, or an agent, member or representative of the same, shall advertise, represent, or hold out in any manner that such license is an endorsement of the holder by the city.

Sec. 70-15. - Violations; penalties.

Any person who shall exercise or attempt to exercise, engage in or carry on soliciting in the city for which a license is required under this chapter, without having first paid the license fee and obtained the license herein provided for, and any person who shall otherwise violate or fail to comply with any of the provisions of this chapter, shall upon conviction be deemed guilty of a misdemeanor and shall be subject to punishment as provided for such violation in this Code.