

Chapter 52 -- Peddlers and Solicitors

52.010. Permit required. It shall be unlawful for any person to engage in the business of peddler as defined in Section 52.020 of this Ordinance within the corporate limits of this City without first obtaining a permit therefore as provided herein.

52.020. "Peddler" defined. The word "peddler" as used herein shall include any person, whether a resident of this City or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or offering for sale for later delivery, or seeking appointments for the purpose of at that time offering for sale; or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance; and further provided that one who solicits orders and as a separate transaction make deliveries to purchasers as a part of a scheme or design to evade the provisions of this Ordinance shall be deemed a peddler subject to the provisions of this Ordinance. The word "peddler" shall include the words "hawker", "huckster", and "solicitor".

1. "Peddler" does not include a farmer selling his own produce grown on his farm.
2. Not-for-profit organizations.

52.030. Application for permit. Applicants for permits under this ordinance must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:

1. Name and description of the applicant.
2. Address (local and permanent).
3. A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
5. The length of time for which the right to do business is desired.
6. If a vehicle is to be used, a description of the same, together with credentials establishing the license number or other means of identification.

52.040. Investigation and issuance. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's

business and moral character to be made as he deems necessary for the protection of the public good.

1. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

2. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval. Upon receipt of the approved application the City Clerk, upon payment of the prescribed permit fee, shall deliver to the applicant his permit. The Clerk shall keep a permanent record of all licenses issued.

52.050. Fees generally. The fees for licenses required under this Chapter shall be as Five and No/100 (\$5.00) Dollars for a daily license and Ten and No/100 (\$10.00) Dollars for an annual license. Applicant must file a City Sales Tax Report annually with the City of Sarcoxie.

52.060. Permit nontransferable. No permit issued under this Chapter shall be transferable or assignable.

52.070. Use of streets. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this Ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

52.080. Loud noises and speaking devices. No peddler, nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said City or upon any private premises in the said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

52.090. Exhibition of Permit. Peddlers are required to exhibit their licenses at the request of any citizen.

52.100. Revocation of License. Permits and licenses issued under the provisions of this Chapter may be revoked by the mayor of this City after notice and hearing, 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 peddler.
3. Any violation of this Ordinance.
4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

52.110. Notice. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the ground of complaint and the time and place of hearing. Such notice shall be mailed, postpaid to the permittee at his permanent address (as shown on his application) at least five (5) days prior to the date set for hearing.

52.120. Appeal. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of an application for a permit as provided in Section 52.040, or in the decision with reference to the revocation of a license as provided in Section 52.110, shall have the right of appeal to the Board of Aldermen. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in Section 52.120.