

PEDDLERS CHECK LIST

Definitions. (Sec. 12-54)

Peddler: a person who, for profit to himself or his principal, sells any goods or service or seeks a donation for any cause of a profit-making or commercial character. The word "peddler" includes traveling merchants and traveling vendor.

Solicitor: a person who solicits for a charitable, political, or religious purpose, even if incidental for such purpose there is the sale of some goods or service.

Traveling merchant or traveling vendor: any itinerant merchant, whether a resident of the city or not, who engages in a temporary business of selling merchandise within the city, hires, leases, uses or occupies any building, structure, motor vehicle, tent, public room in hotels, apartments or shops, or any street or parking lot, or any other place within the city for the exhibition and sale of such merchandise. Persons engaged in truck gardening are not considered traveling merchants or vendors.

Proof a person is a solicitor: It shall be presumed that an individual is a peddler rather than a solicitor. This presumption may be overcome by:

- showing that donations to the organization for which one wishes to solicit is exempt from federal income taxation under Section 503 of the Internal Revenue Code; or
- showing that the organization for which one wishes to solicit is an organization whose primary purpose is to influence public policy. (Sec. 12-55)

Steps the Peddler will need to follow:

- Obtain identification card from City Hall. (Sec. 12-77)
 - Each identification card shall be worn on the outer clothing of the peddler at all times while peddling so as to be reasonably visible to any person who might be approached by the peddler. (Sec. 12-89)
 - An identification card shall be valid for a period of three months from its date of issuance. An applicant with an expired identification card shall be considered as having no identification card whatsoever and will be required to apply for a new card if he wishes to peddle within the city. (Sec. 12-90)
- Complete application (Sec. 12-78)
- Deposit with the city clerk a bond in the amount of \$1,000.00 (cash or surety) to secure collection and payment to the state department of revenue all city sales taxes due and payable by reason of sales made within the city. The bond shall be forfeited to the city if the applicant does not (within 90 days of the expiration of the license) demonstrate by affidavit or otherwise that the sales taxes have been paid. (Sec. 12-80)
- Submit license fee. (Sec. 12-81)
- No person shall be issued a peddler identification card unless, in addition to the requirements of section 12-79: (Sec. 12-83a)
 - He demonstrates that he (or, in the case of an agent, his principal) has a valid retail sales license issued by the state director of revenue as required by RSMo 44.083.
 - He, or his principal, deposits with the city clerk a bond in the amount of \$100.00 (cash or surety) per card to secure collection and payment to the state department of revenue all city sales taxes due and payable by reason of sales made within the city. The bond shall be forfeited to the city if applicant does not (within 90 days of the expiration or surrender of his peddler's card) demonstrate by affidavit or otherwise that the sales taxes have been paid.

- He demonstrates either that he is a licensed itinerant vendor within the meaning of RSMo 150.380 or that he is exempt from the requirement.
- He demonstrates either that he has a peddler license from the county and state as required by RSMo 150.470, or that he is exempt from the requirement to obtain same.
- Must submit a satisfactory criminal records name check regarding the applicant directly from the state highway patrol criminal record system. It shall be the applicant's responsibility to mail in the request for such criminal records check, using a form provided by the city clerk, and the applicant shall be responsible for paying any fees charged for such criminal records check. For all purposes, the applicant's application will not be deemed to be tendered or complete until such criminal records report is received by the city clerk. *(Sec. 12-83b)*

The City must issue the identification cards within three days of application UNLESS: *(Sec. 12-84)*

1. The application is incomplete, in which case the city clerk will reject the application;
2. The required fee (if any) has not been paid;
3. The applicant has been convicted of a felony;
4. With respect to a particular card, if the individual for whom a card is requested has been convicted of a felony;
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 applicant, or if the particular individual for whom an identification card is requested, has had a previous identification card revoked;
7. If the applicant, or if a particular individual for whom an identification is requested, has made any false statement regarding the peddling of merchandise or the solicitation of persons under the relevant chapter of any other city.

During the period of time following the application for issuance of one or more identification cards and its issuance, the chief of police shall make diligent investigation, as to him seems necessary, to determine that the applicant is entitled to the identification as hereinabove stated. The chief of police shall cooperate with the applicant, shall inform the applicant of the progress of his investigation, and shall use due diligence in conducting his investigation. In all cases, the chief of police shall work as expeditiously as is reasonably possible to complete his investigation in a minimum amount of time. If the chief of police has not completed his investigation within three working days, the identification will nonetheless be issued. *(Sec. 12-85)*

If the city clerk denies the identification card to one or more persons, he shall prepare promptly (and in no event later than two working days after the denial) a written report of the reason for his denial which shall immediately be made available to the applicant. The applicant shall be entitled to correct in writing any deficiencies so noted in the report, which corrections or changes when filed shall be treated as a new application. *(Sec. 12-86)*



Peddlers License Application

The mission of the City of Holts Summit is to provide a safe, livable, and sustainable community for our present and future citizens.

Permit No: _____

Expires: _____

Name of Applicant/Corporation:			Applicant/Corporation Address:	
Name of Business Manager/Supervisor:			Business Manager/Supervisor Address:	
Peddler/Solicitor:			Peddler/Solicitor Address:	
DOB	Height	Weight	Hair Color:	Eye Color:
Proposed City Locations for Conducted Business:			Hours and Length of Time for Proposed Business:	
# of Cards Needed:			Type of Cards Requested:	
Description of Proposed Activity:				
Have you or any other person(s) listed on this application ever been convicted of a crime? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, list the offense and the sentenced imposed.				
List all vehicle(s) that will be used				
Make	Model	Year	Color	License Plate No.
Contact Person in the event of a complaint, defective merchandise, breach of warranty, or reorders of merchandise?				
Name	Contact Number		Address	
State Sales Tax Number:				
The undersigned applicant certifies that the information in this application is accurate and complete. Applicant Signature: _____ Date: _____				

Applicant my submit a photocopy of a valid driver's license or similar identification for each person for whom a card is requested in lieu of the physical description above.

TIME LIMITS: No person shall peddle or otherwise attempt to sell within the corporate limits of the city except between the hours of 9:00 a.m. until 9:00 p.m., Monday through Friday, and 10:00 a.m. until 10:00 p.m. on Saturday and Sunday. In addition, no person shall peddle or otherwise attempt to sell at any time after sunset on any day unless such person is dressed in light-colored or reflective clothing and has notified the chief of police of his intention to peddle after dark.

-----OFFICE USE ONLY-----

- \$1,000 Cash/Surety Bond Deposited for License
- County Peddler License (Merchant License)
- \$100 Cash/Surety Bond Deposited per Card Holder
- No Sales Tax Due Affidavit
- State Retail Sales License
- Criminal Record Name Check
- State Itinerant Vendor License

Amount Paid: \$ _____ Date Paid: _____ Receipt #: _____

Cash/Check/Credit Card: _____

Signature of Employee: _____

-----POLICE CHIEF USE ONLY-----

Investigation Outcome: Satisfactory Unsatisfactory

Remarks or Comments: _____

Date: _____ Police Chief Signature: _____

-----CITY CLERK USE ONLY-----

Approved Denied Reason for Denial: _____

Date: _____ City Clerk Signature: _____

-----ACCOUNTS PAYABLE USE ONLY-----

Affidavit of Sales Tax Paid Date: _____

Bond Amount Returned: \$ _____ Date Returned: _____ Returned by: _____ (Initial)

Returned by Check OR Credited back onto Credit Card

Check #: _____ Confirmation #: _____

Notes: _____
