



## Solicitors, Canvassers, Handbills

**Section 610.010, Section 610.020, Section 610.030, Section 610.040,  
Section 610.050, Section 610.060, Section 610.070, Section 610.080,  
Section 610.090, Section 610.100, Section 610.110, Section 610.120,  
Section 610.125**

### **SECTION 610.010: General Definitions**

#### 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 non-commercial event or service.

#### HANDBILL

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

#### HANDBILL

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.

#### MOBILE FOOD VENDOR

Any person who sells food and/or drinks for immediate consumption from motorized vehicles or non-motorized carts (pertaining to each vehicle or cart, not the central location from which they are serviced which, if located in the City, would be subject to the Zoning Code; see NAICS 722330).

#### PERSON

As defined in Section 100.020.

## 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 goods, food or drink, wares, merchandise, magazines, chances, raffle tickets or service; or
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; or
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.

### **SECTION 610.020: License - Required**

- A. *Solicitors - 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 at the City Finance Department a proper license for such activity.
- B. *Mobile Food Vendors.* It shall be unlawful for any mobile food vendor to conduct sales on any residential property or private street, except to the extent servicing a residential property or private street as a caterer hired by the person(s) in charge of the property or street for a private event. It shall be unlawful for any mobile food vendor to conduct sales on any non-residential property without prior specific invitation or appointment from the person(s) in charge of the property and a proper license for such activity obtained at the City Finance Department, except to the extent servicing a non-residential property as a caterer hired by the person(s) in charge of the property for a private event. It shall be unlawful for any mobile food vendor to conduct sales on any public street by means of stopping, standing or parking other than temporary stops (not to exceed five (5) minutes) that do not obstruct traffic; or without a proper license for such activity obtained at the City Finance Department. A person associated with a mobile food vendor shall not solicit customers on a door-to-door basis without a separate solicitation license.
- C. *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.
- D. *Exceptions.* This Chapter shall not apply to a Federal, State or local government employee acting in the performance of his/her duty for his/her employer nor shall it apply to any person under the age of sixteen (16) years soliciting for a non-profit or charitable organization as defined in Section 610.030(B)(3).

## SECTION 610.020: License - Required

- A. *License Application.* Each person desiring to act as a solicitor or mobile food vendor within the City limits shall apply for a license for such activity at the City Finance Department 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:
- a. Full name of the applicant, including any nickname or alias used during the past ten (10) years.
  - b. Date and place of birth and (if available) the Social Security number of such person.
  - c. The current permanent and local address (if any), home telephone number and cellular phone number of the applicant.
  - d. A brief description of the proposed soliciting or mobile food vending activity. (Copies of any literature to be distributed may be included as part of this description at the option of the applicant.)
  - e. 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.
  - f. 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.
  - g. A statement by the applicant as to whether or not a solicitation or mobile food vendor 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.
  - h. A statement as to the duration of the intended soliciting or mobile food vending.
  - i. If funds are to be solicited for donation:
    - i. 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.
    - ii. The name, address and phone number of the organizations or persons for whom solicitors receive donations or profits.
  - j. For a mobile food vending license, a copy of current St. Louis County Health Department mobile food permit shall be required for each vehicle to be used to conduct the mobile food vending business, and compliance with Sections 605.010 and 605.020 shall be demonstrated.
  - k. 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.*
- a. *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 610.010 of this Chapter or who needs a license for mobile food vending as provided in Section 610.020 shall apply for a license for such activity at the City Finance Department before undertaking such activity. A mobile food vendor does not also require a City business license, unless the central location that services the vehicles and carts is located in the City. A mobile food vendor may not sell alcohol without separate license and any required approvals.
  - b. *Fees.* Solicitors shall pay a fee of twenty-five dollars (\$25.00) for a license valid for three (3) months for each person to be authorized to solicit within the City limits. Solicitors may

elect to pay a fee of fifty dollars (\$50.00) for a license valid for twelve (12) months for each person to be authorized to solicit within the City limits. Mobile food vendors shall pay a fee of fifty dollars (\$50.00) for a license valid for twelve (12) months for each vehicle or cart to be used in the City. All fees shall be paid in advance for the period of soliciting or vending set forth in the license application.

- c. *Exempt from fees.* All non-profit 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 solicitation fees only.

#### **SECTION 610.040: Investigation of Applicant**

During the period of time following the application for a license to solicit or conduct mobile food vending, the Chief of Police shall supervise an investigation as to the truth and accuracy of the information contained on the application as required in Section 610.030 herein to determine whether or not the applicant is entitled to the license as hereinabove stated. If the Chief of Police has not completed his/her investigation within five (5) business days, the license will nonetheless be issued by the Finance Director, 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.

#### **SECTION 610.050: Issuance of License**

- A. Five (5) business days after the application is submitted to the City or sooner if reasonably possible, the requested license shall be issued by the Finance Director unless:
  - a. The application is incomplete.
  - b. The applicant has been convicted of any felony or any misdemeanor involving moral turpitude, trespassing or any offense against the person or property of another within the past seven (7) years.
  - c. If any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.
  - d. 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 Chapter.

#### **SECTION 610.060: Denial or Revocation of License**

- A. If the Finance Director denies (or upon completion of an investigation revokes) a license, he/she shall prepare promptly (and in no event later than two (2) 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 Finance Director for any of the following causes:
  - a. Any violation of City ordinances by the person for whom the particular license was issued in connection with the exercise of the authority granted by the license. Mobile food

vendors shall be subject to all provisions of the City's sign regulations, Section 405.910 et seq., and are not exempt from Section 405.930(D)(6).

- b. Fraud, misrepresentation or incorrect statements made in the course of carrying on the licensed activity.
- c. Conviction of a felony without limitation as to time or a misdemeanor involving moral turpitude, trespassing or any offense against the person or property of another (within the last seven (7) years).
- d. Conducting the licensed activity in such a manner as to constitute a breach or disturbance of traffic or the peace or a menace or nuisance to the health, safety or general welfare of the public.
- e. For a mobile food vendor, revocation of St. Louis County Health Department permit, or failure to comply with sales tax laws.

#### **SECTION 610.070: 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 City Administrator. Such appeal shall be filed in writing within ten (10) days of the denial or revocation.

#### **SECTION 610.080: Hearing on Applicant's Denial or Revocation of License, Procedure**

If the applicant requests a hearing before the City Administrator under Section 610.070, the hearing shall be held in accordance with the Administrative Procedures Act of the State of Missouri, Chapter 536, RSMo., and review from the decision shall be had to the Circuit Court of St. Louis County, Missouri, on the record.

#### **SECTION 610.090: Validity of License**

Except for three-month solicitation licenses, a license issued hereunder shall be valid for a period of one (1) 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.

#### **SECTION 610.100: General Prohibitions**

- A. No solicitor, canvasser, mobile food vendor or handbiller shall enter upon any private property where the property is clearly posted by a sign visible and legible from the right-of-way, public or private, indicating a prohibition against soliciting, canvassing, mobile food vending or handbilling at said property. It shall be sufficient for such sign to contain the words "no solicitors" in letters of at least two (2) inches in height.
- B. If any solicitor, canvasser, mobile food vendor or handbiller shall enter any private property, which property is not posted by a sign, as provided in Subsection (A) above, but where they are notified by means of a sign or sticker placed upon any door or entranceway leading into the residence or commercial unit at which guests or customers would normally enter the residence

or commercial unit, which sign or sticker contains letters of not less than one-fourth (1/4) inch in height and contains the words "no solicitors" and which is visible to any solicitor, canvasser, mobile food vendor or handbiller, then the solicitor, canvasser, mobile food vendor or handbiller shall forthwith remove himself/herself from the property without disturbing the occupants. A prohibition against any soliciting activity shall be interpreted as a prohibition against any soliciting, handbilling, mobile food vending or canvassing activities, unless otherwise stated therein.

- C. Handbills shall only be left at the front entrance of a residence or commercial unit, unless the premises does not have a front entrance or it is obvious that the front entrance is not used, in which case the handbill shall be left at such entrance as is most obviously used as a guest or customer entrance. No handbiller shall throw, deposit, place, scatter or distribute any handbill upon any private premises, including private premises open to the public and including on any automobile or other motor vehicle on such premises, in any other manner besides that described in the preceding sentence unless authorized in writing by the property owner or legal occupant to do so. No handbiller shall distribute, deposit or place any handbill in or on an automobile or other motor vehicle that is parked on any street or in any public place unless authorized in writing by the owner or operator of the vehicle. No handbiller shall affix any handbill to any tree, lamppost, utility pole or any other surface as specified in the Code of Ordinances Section 405.930(D).
- D. Even though a solicitor or mobile food vendor obtains the consent of the person(s) in charge of a property to solicit in a multitenant dwelling, building or development, the solicitor or mobile food vendor shall not solicit from any tenant therein whose property is posted in the manner provided in Subsection (B) above. For the purpose of this Subsection, a multitenant dwelling or building shall be any building containing two (2) or more units within said building. A multitenant development shall be construed as two (2) or more multitenant structures owned or managed by the same person(s), firm or corporation.
- E. Any solicitor, mobile food vendor or canvasser shall use the front entrance of the residence or commercial unit, unless the residence or commercial unit does not have a front entrance or it is obvious that the front entrance is not used, in which case the solicitor, mobile food vendor or canvasser shall use such entrance as is most obviously used as a guest or customer entrance to the residence or dwelling unit, but no solicitor, mobile food vendor or canvasser shall go from door to door at a location in an attempt to avoid a no solicitation notice.
- F. No solicitor, canvasser, mobile food vendor or handbiller shall remove any yard sign, door or entrance sign or sticker which is placed there by a resident, owner or tenant as a notice that such owner or tenant does not invite or allow solicitation, canvassing, mobile food vending or handbilling.
- G. Any solicitor, canvasser, mobile food vendor or handbiller who shall violate any of the provisions of this Section and any Subsections hereof shall commit a trespass on such property and upon conviction thereof shall be penalized as hereafter provided by the ordinances of the City.
- H. The above provisions of this Section 610.100 shall not apply to any solicitor, canvasser, mobile food vendor or handbiller who shall have received an invitation from the occupant prior to entering upon any posted property for purposes of soliciting, canvassing, mobile food vending or handbilling.

#### **SECTION 610.110: Time Limits**

No person shall solicit, canvass, conduct mobile food vending other than as a hired caterer at a private event 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. The City Finance Department may issue temporary permits for additional hours of operation by licensed mobile food vendors in connection with public fairs, farmer's markets, and similar public events, at no additional fee, upon determining that issuing such permits will not be contrary to public safety, convenience, and welfare. When not in lawful use, mobile food vendor's vehicles and carts either shall be stored at a central location within the City authorized for such business in compliance with the Zoning Code, or, if none, then they shall be removed from the City.

#### **SECTION 610.120: Possession and Display of License**

- A. No person shall solicit or operate as a mobile food vendor within the corporate limits of the City without having in his or her possession a copy of a valid City license as required by this Chapter 610. A solicitor license shall be worn on the outer clothing of the individual so as to be reasonably visible to any person. Any solicitor shall also have in his/her possession an official photographic identification card as described in Section 610.030(A) and shall produce said solicitor's license and identification upon request by a Creve Coeur Police Officer. A mobile food vendor license shall be posted on the vehicle or cart so as to be readily visible by the public during operations.
- 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.
- C. The form of license shall include a color photo ID with the individual's name, appropriate class of license and confirmation of issuance by the City.

#### **SECTION 610.125: Authority to Prohibit Solicitation on Streets**

- A. No person shall stand on or in proximity to a street or highway for the purpose of soliciting employment or business from the occupant of any vehicle.
- B. The soliciting of donations or contributions from the occupant of any vehicle by persons standing on or in proximity to a street or highway will be permitted only if the following conditions are met:
  - a. A permit must be obtained from the Chief of Police of the City of Creve Coeur.
  - b. The soliciting organization must be a bona fide charity as documented by a Section 510(c) (3) tax exemption letter from the Internal Revenue Service.
  - c. All solicitors must be twenty-one (21) years of age or older.
  - d. Only one (1) solicitation per organization annually will be approved.
  - e. The soliciting organization will submit an agreement to hold harmless the City of Creve Coeur from any and all liability from any actions of the organization and/or solicitors resulting from the solicitation.
  - f. The locations of such solicitation shall be determined by the Chief of Police based on proper traffic and safety conditions.

*If you have any questions concerning the above information, you may contact the Creve Coeur Police Crime Prevention Office at (314) 442-2075 or by email at [crimeprevention@crevecoeurmo.gov](mailto:crimeprevention@crevecoeurmo.gov)*