

BILL NO. 2023-67

ORDINANCE NO. 2023-4819

AN ORDINANCE AMENDING CHAPTER 6, CHAPTER 15, AND APPENDIX A OF THE CODE OF ORDINANCES FOR DOOR-TO-DOOR SOLICITING REQUIREMENTS.

WHEREAS, the Belton Code of Ordinances outlines requirements for door-to-door peddlers in the City of Belton; and

WHEREAS, the Belton City Council desires to prevent undue annoyance of city residents by peddlers, solicitors, and canvassers; and

WHEREAS, the City Council believes these text amendments are in the best interest of the citizens.


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

- Section 1.** That Chapter 6, Article XII of the Code of Ordinances is hereby deleted in its entirety.
- Section 2.** That Chapter 15, Article VI of the Code of Ordinances is hereby added as shown in the attached **Exhibit A**, incorporated as if fully set forth herein.
- Section 3.** That Appendix A, Schedule of Fees and Charges is amended, attached as **Exhibit B**, incorporated as if fully set forth herein.
- Section 4.** That all ordinances or parts of ordinances in conflict with the provision hereof are hereby repealed.
- Section 5.** That this ordinance shall be in full force and effect from and after the date of its passage and approval.


READ FOR FIRST TIME: November 14, 2023

PASSED AND APPROVED by the City Council and APPROVED by the Mayor of the City of Belton: November 28, 2023





Mayor Norman K. Larkey, Sr.

ATTEST:


Andrea Cunningham, City Clerk
of the City of Belton, Missouri

AYES: 8 COUNCILMEMBER: White, Powell, Kraft, Mayor Larkey, Lawson,
Gough, Richardson, McCallum

NOES: 0 COUNCILMEMBER:

ABSENT: 1 COUNCILMEMBER: Pryan

Chapter 15, Article VI – Canvasser/Peddler/Solicitor

DIVISION 1. GENERALLY

Sec. 15-350. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser means a person who goes door to door, street to street, attempting 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 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; distributing a handbill or flyer for a non-commercial purpose; opinion sampling or poll taking.

Peddler means a person who goes door to door, street to street, attempting 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 selling a good or service; soliciting orders for sale or profit or for any service or for the purpose of selling or for making or requesting appointments or interviews or arranging for demonstrations or explanations before the actual order of the same.

Solicitor means a person who goes door to door, street to street, attempting 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 distributing handbills or flyers for a commercial purpose; soliciting donations for a particular patriotic, social service, benevolent, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is a sale of some good or service; 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 visit.

Sec. 15-351. – Exemptions.

The following shall be exempt from the requirements of this article, unless otherwise stated:

- (1) Law enforcement and other employees of public governmental entities or political subdivisions acting within the scope of their duties.
- (2) Utility employees acting within the scope of their duties.
- (3) Students acting in their capacity as students affiliated with an educational institution, youth organization or non-profit organization attempting to sell a good or service as a fundraising activity or obtain a donation for the benefit of an educational institution, youth organization or non-profit organization.
- (4) Canvassers, as defined, shall be exempt from Divisions II and III of this article. All other requirements listed in this article shall remain in full force and effect.

Sec. 15-352. – Limitation.

Nothing in this article shall apply to solicitors or peddlers who solicit in the roadway.

Sec. 15-353. – Time restrictions.

No person shall engage as a peddler, solicitor or canvasser prior to 9:00 a.m. or after 6:00 p.m. Monday through Friday, and prior to 10:00 a.m. or after 6:00 p.m. Saturday and Sunday.

Sec. 15-354. – General prohibitions; standards of conduct

No peddler, solicitor or canvasser shall:

- (1) Enter or remain on any private property, uninvited, knowing or having reason to believe that the owner or occupants do not desire to receive message from any peddler, solicitor or canvasser either by a posted sign or otherwise. The phrase “no soliciting,” “no solicitors” or “no trespassing” shall also prohibit peddlers and canvassers. Any person violating this subsection shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the city. The penalty for such violation shall be the same as for any other trespass.
- (2) Use or attempted use of any entrance other than the front or main entrance to the home 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 owner or occupant. Any person violating this subsection shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the city. The penalty for such violation shall be the same as for any other trespass.
- (3) Refuse to discontinue their message or leave the private property when requested by the owner or occupant.
- (4) Remove any yard sign or door sign that gives notice that such person does not desire to receive messages from any peddler, solicitor or canvasser.
- (5) Make an uninvited entry into a resident’s home.
- (6) Present themselves as representing the city or that they have an endorsement by the city.
- (7) Call attention to their business by means of blowing a horn or whistle, ringing a bell, crying out or by any other loud noise.
- (8) Obstruct the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk or other public right-of-way.
- (9) Fail on the outset to disclose to the owner or occupant the nature of their business and the name of the company, product or organization they represent.
- (10) Fail to comply with any applicable law.

DIVISION 2. IDENTIFICATION CARD.

Sec. 15-355. – Identification card required.

- (a) No person shall act as a peddler or solicitor within the city without first obtaining the appropriate identification card from the Belton Police Department.

- (b) An application for an identification card may be obtained from the Belton Police Department. The contents shall require the disclosure of all information the Belton Police Department shall find reasonably necessary to the fair administration of this article, including by not limited to:
- (1) Personal identifying information with photograph
 - (2) Work history
 - (3) A copy of a criminal background check issued by the Missouri Highway Patrol dated within seven (7) days of the date of application
 - (4) A copy of a valid government-issued identification card
 - (5) Vehicle information

Sec. 15-356. – Nontransferable.

- (a) No person having an identification card under this article shall loan, transfer or allow in any manner another person to use the card.
- (b) No identification card issued under this article is transferable or assignable.

Sec. 15-357. – Identification card term; fee.

- (a) All identification cards issued under this article shall be valid for 60 calendar days from issuance, and thereafter shall expire. No card shall be issued for more than 60 calendar days.
- (b) The fee shall be provided in the city schedule of fees and charges.

Sec. 15-358. – Display.

- (a) The identification card shall be worn on the outer clothing of the peddler or solicitor when the individual is actively peddling or soliciting in the city.
- (b) The identification card should be reasonably visible to any person who might be approached by the peddler or solicitor.

Sec. 15-359. – Business license in addition to identification card.

The identification card for peddlers and solicitors required by this article is in addition to and not in lieu of any business license required to be obtained under the provision of this Code.

Sec. 15-360. – Issuance; grounds for denial; notification.

- (a) Within five (5) business days after receiving an application, or sooner if reasonably possible, the requested identification card shall be issued, unless:
 - (1) The application is incomplete.
 - (2) The required fee has not been paid.
 - (3) The applicant has been convicted of any of the following felonies within the past five (5) years:
 - a. Theft
 - b. A crime against property

- c. A crime against person
- d. Any conviction resulting from a charge related to peddling or soliciting
- (4) Any statement on the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.
- (5) The applicant has had a previous identification card revoked.
- (b) If the Belton Police Chief, or designee, has not completed the investigation within five (5) business days, he/she will advise the applicant of the reason for delay.
- (c) If the Belton Police Chief denies the requested identification card, he/she will notify the applicant in writing, state the reason for denial and shall provide notice of the right to appeal.

DIVISION 3. ENFORCEMENT.

Sec. 15-361. – Revocation.

- (a) Any identification card granted under this article may be revoked by the Belton Police Chief after the finding of:
 - (1) Fraud, misrepresentation or false statement contained in the application for an identification card.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on the activity.
 - (3) Any violation of this article.
 - (4) Conviction of a crime, infraction or misdemeanor involving moral turpitude.
 - (5) Conducting the activity 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.
- (b) If the Belton Police Chief revokes the identification card, he/she will notify the individual in writing, state the reason for revocation and shall provide notice of the right to appeal.

Sec. 15-362. – Appeal; hearing.

- (a) Upon receiving a notice of denial or revocation, the applicant may appeal to the City Council. Such appeal shall set forth the grounds for appeal and shall be filed with the City Clerk within 14 days after notice of denial or revocation. The days shall be calculated as described in Chapter 6 of this Code.
- (b) The hearing shall be held before the City Council as described in Chapter 6. The decision and order of the City Council on such appeal shall be final and conclusive.

PART II - CODE OF ORDINANCES
Appendix A SCHEDULE OF FEES AND CHARGES

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PART I. CODE OF ORDINANCES

Code Section	Description	Fee	
<i>Chapter 1—General Provisions</i>			
1-25	Attorney's fees	TBD	
1-26	Attorney's fees	TBD	
<i>Chapter 2—Administration</i>			
2-227	Copying fee	TBD	
2-730	Ambulance services—Emergency and nonemergency		
	Nonresidents		
		Base charge	\$1,150.00
		Additional, per mile	\$17.60
	Residents		
		Base charge	\$950.00
		Additional, per mile	\$17.60
		Treatment—No transport fee	\$300.00
	Helicopter stabilization fee	\$950.00	
<i>Chapter 3—Intoxicating Liquor</i>			
3-3	Intoxicating liquor licenses—Annual fee, unless otherwise stated		
		5% wholesale solicitor	\$150.00
		22% wholesale solicitor	\$300.00
		Liquor wholesale solicitor	\$750.00
		5% manufacturer solicitor	\$375.00
		22% manufacturer solicitor	\$300.00
		Liquor manufacturer solicitor	\$675.00
		Package liquor	\$150.00
		Package malt liquor (beer)	\$75.00
		By the drink malt liquor (beer)	\$75.00
		By the drink malt liquor (beer) and light wine	\$75.00
		By the drink intoxicating liquor	\$450.00
		By the drink intoxicating liquor, tax exempt	\$50.00
		Sunday license	\$300.00
	By the drink caterer temporary license	\$15.00 per day	

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	By the drink picnic temporary license	\$37.50 per event, up to 7 days
	Microbrewery	\$7.50/100 barrels or fraction thereof, maximum fee of \$375.00
	Domestic winery (brandy)/wine manufacturer	\$7.50/100 gallons or fraction thereof, maximum fee of \$450.00
3-5	Application investigation fee—At the time of applying for initial application	
	Investigation fee	\$100.00
3-32	Employee liquor card	
	Liquor card fee	\$10.00 every 2 years
<i>Chapter 4—Animals</i>		
4-85	Dangerous dog registration—Annually	TBD
4-113	Guard dog registration—Annually	TBD
4-169	Impoundment fees	
	Redemption fee—First redemption	\$25.00
	Redemption fee—Second and subsequent redemptions	\$50.00
	Boarding fee—Per day of impoundment	TBD
<i>Chapter 6—Business Licenses and Regulations</i>		
6-57	License fee established	
	For each new license for a business or occupation doing business from premises within the City of Belton	\$120.00
	For each annual renewal of a license for a business or occupation doing business from premises within the City of Belton	\$70.00

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	For each new application or annual renewal of a license for a business or occupation doing business from premises outside the City of Belton	\$70.00
6-62	Duplicate licenses—Each	\$1.00
6-63	Supplemental license for change of location	TBD
6-64	Transfer fee	TBD
6-157	Adult businesses	
	Business license—Annually	\$100.00
	Manager, server or entertainer license—Annually	\$30.00
6-281	Teenage dance establishment license—90-day term	\$5.00
6-373	Lumberyard license—Annually	TBD
6-394	Massage therapist business license—Annually	\$30.00
6-395	Massage facility business license—Annually	\$70.00
	Ice Cream Trucks and Vendors	
6-316	Business license—Annually	\$25.00
6-317	Vendor permit—Annually	\$15.00
	Modeling, dating and escort establishments	
6-448	Business license—Annually	\$100.00
6-470	Employee permit—Annually	\$5.00
6-472	Identification card—Each	TBD
	Pawnbrokers	
6-557	Business license—Annually	\$600.00
	Investigative fee	TBD
6-558	Employee permit—Annually	\$30.00
6-614	Peddlers permit—Each	\$15.00
	Small loan establishments	
6-665	Business license—Annually	\$600.00
6-666	Employee permit—Annually	\$30.00
	Taxicabs	
6-702	Business license—Annually	\$70.00
6-730	Driver identification card—Each	\$2.00
	Tobacco sales	
6-754	Tobacco sales registration—Each location	\$1.00
6-789	Transient merchant license—Annually	
6-1019	Trailer-type vehicle sale or repair facility license	
6-1046	Solid waste, recyclable materials and yard waste haulers	
	Business license—Annually	\$70.00
6-1079	Residential Rentals/Landlords	

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PART I. CODE OF ORDINANCES

	Business license—Annually	\$70.00
	Mobile Vending	
6-1085	Business license—Annually	\$70.00
<i>Chapter 8—Courts and Jails</i>		
8-119	Costs, fees and surcharges	
	Clerk fee (allocations of \$1.00 may be made to the judicial education fund and the appointed counsel fund)	\$12.00
	Crime victim's compensation fund	\$7.50
	Peace officer standards and training (POST)	\$1.00
	Law enforcement training fund surcharge	\$2.00
	Law enforcement arrest costs	TBD
	Domestic violence shelter fund surcharge	\$2.00
	Inmate prisoner detainee security fund surcharge	\$2.00
<i>Chapter 11—Health and Sanitation</i>		
11-153	Collection of solid waste, recyclable materials, and yard waste—Residential dwelling—Monthly	\$12.77
<i>Chapter 13—Motor Vehicles and Traffic</i>		
13-537	Utility vehicle or recreational off-highway vehicle annual permit	\$15.00
13-538	Golf cart annual permit	\$15.00
13-621	Permit for sun screening devices—Each	TBD
13-705	Parade permit—Each	TBD
<i>Chapter 14—Nuisances</i>		
14-103	Registration of properties in foreclosure—Each	TBD
<i>Chapter 15—Offenses</i>		
15-143	Blasting permits—Each	TBD
15-357	Peddler/Solicitor ID Card—Each	\$25.00
<i>Chapter 19—Streets, Sidewalks and Other Public Places</i>		
19-34	Vehicle removal	
	Towing	Costs
	Storage—Per day	\$1.50
	Small wireless facilities	
19-203	Collocation application fee—Each	\$100.00
	Installation, modification, replacement fee—Each	\$100.00
19-205	Application fee	\$75.00
	Application fee—New or replacement utility pole	\$400.00
	Rate for collocation—Per facility collocated on an authority pole	\$100.00