

BILL NO. 2982

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BRANSON MUNICIPAL CODE, CHAPTER 610 *PEDDLER'S LICENSE* BY ADDING LANGUAGE RELATED TO PUBLIC SOLICITATION; CHAPTER 205 *OFFENSES* BY ADDING LANGUAGE RELATED TO HANDBILLS; AND CHAPTER 605 *MERCHANT LICENSES AND REGULATIONS* BY CHANGING THE LICENSE FEES

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: That Title VI *Business and Occupation* of the Branson Municipal Code, Chapter 610 *Peddler's License* is hereby amended so that Chapter 610 shall hereafter read as follows:

SECTION 610.010: DEFINITIONS. [~~Solicitor or peddler defined.~~]

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:

***Peddler* means any person, firm, partnership, or corporation who does not have a regular licensed place of business in the City of Branson selling or offering for sale any article, chattel, or thing for profit by either going from place to place or selling from wagon or truck or other vehicle, without prior scheduling, appointment or approval by the owner or occupant of the premises, within the said City limits.**

***Solicitor* means any person, firm, partnership, or corporation, who solicits from the public or through professional solicitors money, donations, property or financial assistance of any kind on public rights-of-way, in school buildings, by house-to-house canvass, or in any public place or area.**

[~~SECTION 610.040: SOLICITOR OR PEDDLER DEFINED~~]

~~A "*solicitor or peddler*", as used in this Chapter, is defined to be any person, firm, partnership, or corporation who has not a regular licensed place of business in the City of Branson soliciting, selling or offering for sale any article, chattel, or thing for profit by either going from place to place or selling from wagon or truck or other vehicle, without prior scheduling, appointment or approval by the owner or occupant of the premises, within the said City limits.]~~

**SECTION 610.050: ~~[PEDDLING PROHIBITED]~~ PEDDLING ON
COMMERCIALY ZONED PROPERTY.**

No peddler shall sell or offer for sale his/her goods, wares, or merchandise within any commercially zoned property in the City of Branson, unless otherwise approved as a Special Event by the Board of Aldermen.

SECTION 610.060: EXCEPTIONS. ~~[FARMERS EXCLUDED]~~

This Chapter does not include and does not apply to farmers selling their vegetables, meat, milk, or other produce, which is raised and produced by the farmers themselves seeking to peddle and sell the same.

SECTION 610.070: COMPLIANCE WITH OTHER ORDINANCES

All peddlers will comply with all other ordinances of the City of Branson including Health and Traffic Codes.

SECTION 610.090: SPECIAL EVENT PERMIT REQUIRED FOR SOLICITORS

- A. **It shall be unlawful for any person, firm or corporation to engage in solicitation activities on public property within the City of Branson without issuance of a Special Event Permit from the Director of Planning and Development. In addition to the general application requirements for a Special Event Permit, the solicitor shall provide the following information to the Director of Planning and Development:**
1. **The name, address and phone number of the organization for whose benefit the public solicitation will be conducted.**
 2. **The name, address and phone number of the principal officers of the organization and of the person who will be in charge of solicitation.**
 3. **The purpose for which solicitation is to be made, the dates of proposed solicitation, and the method to be used in conducting solicitation.**
 4. **Whether or not professional (compensated) solicitors will be used, and, if so, the name, address, telephone number and city business license number of the solicitor.**
 5. **Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed solicitation.**
- B. **Special Event Permits for public solicitation shall be limited to two (2) events per year, each event limited to three (3) days in duration.**
- C. **Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a permit fee, shall cite to the Director of Planning and Development the statute or other legal authority under which**

exemption is claimed and shall present to the Director of Planning and Development proof of qualification for such exemption.

- D. Each and every person engaged in solicitation, under the Special Event Permit, shall have a copy of the Special Event Permit on their person and, upon request, shall provide a copy of the Special Event Permit.

SECTION 610.100: UNLAWFUL SOLICITATIONS

- A. Except when approved as a Special Event, it shall be unlawful to solicit when either the solicitor or the person being solicited is located on public property.
- B. It shall be unlawful to solicit when either the solicitor or the person being solicited is located on public property, in any of the following places:
1. Within twenty feet (20') of a public toilet;
 2. Within twenty feet (20') of an automated teller machine;
 3. Within twenty feet (20') of a pay telephone;
 4. Within ten feet (10') of the doorway to any business.
- C. It shall be unlawful to solicit in an aggressive manner, including taking any of the following actions:
1. Continuing to solicit from a person after the person has given a negative response to the solicitation;
 2. Touching the solicited person without the solicited person's consent;
 3. Blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means;
 4. Using violent or threatening gestures toward a person solicited;
 5. Closely following behind, ahead or alongside a person who walks away from the solicitor after being solicited;
 6. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
 7. Soliciting in a group of two or more persons; or
 8. Soliciting with the intent to intimidate another person into giving money or other thing of value.
- D. It shall be unlawful to solicit on residential or private property after having been asked to leave or refrain from soliciting by the owner or other person lawfully in charge of the property or lawfully in possession of the property.
- E. It shall be unlawful for any person, while conducting a public solicitation, to enter upon any residential premises in the city where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers" or "No Solicitors" or words of similar import.

DIVISION 2.

LICENSE

SECTION 610.200: ~~[610.010]~~ REQUIRED. ~~[LICENSE APPLICATION]~~

It shall be the duty of every person or persons, firm or co-partnership, and every corporation peddling for gain, profit, or as means of livelihood within the corporate limits of the City of Branson, Missouri, to apply to and secure from the Director of Finance of said City, a license for peddling before he, she, ~~[they or it]~~ peddles goods, wares or merchandise within the corporate limits of said City.

SECTION 610.210: ~~[610.020: LICENSE]~~ PEDDLERS' FEE.

There is hereby levied a license fee on peddlers within the corporate limits of said City of Branson, and every person or persons, firm, co-partnership, or corporation peddling within the corporate limits of said City are hereby required to pay to said City for such license the sum of \$7.50 per day or \$75.00 annually, as required by Chapter 605.

SECTION 610.220: ~~[610.030]~~ PEDDLERS' TRANSFER. ~~[LICENSE NON-TRANSFERABLE]~~

No license issued under provisions of this Chapter shall be transferred to another person or persons, firm, co-partnership or corporation.

Section 2: That Title II *Public Health, Safety and Welfare* of the Branson Municipal Code, Chapter 205 *Offenses* is hereby amended so that Chapter 205 shall hereafter read as follows:

SECTION 205.280: POSTING OR DISTRIBUTING HANDBILLS, ADVERTISING MATERIALS, COUPONS, BROCHURES, BUMPER STICKERS, OR ANY OTHER SUCH MATERIALS, [ETC.] WITHOUT AUTHORIZATION, PROHIBITED

- A. No person shall stick, paste or place any handbills, advertising material, coupons, brochures, bumper stickers, or any other such materials on any public property in the City of Branson, Missouri, except as authorized by City Officials and then solely to give notice of lawful public business.
- B. No person shall stick, paste or place any handbills, advertising materials, coupons, brochures, bumper stickers or any other such materials [placard] on any motor vehicle parked on public streets, or publicly owned parking lots.
- C. No person shall stick, paste, place or post any handbills, advertising materials, coupons, brochures, bumper stickers, or any other such materials on any real property without the consent of the owner of such real property or unless placed in a receptacle provided by such owner for the receipt of such material.

- D. No person shall distribute any handbills, advertising material, coupons, brochures, bumper stickers, or any other such ~~[advertising]-~~materials to an operator or occupants of motor vehicles while same are in operation, or while passengers are disembarking or boarding, on public streets or publicly owned parking lots of this City.
- E. No person shall stick, paste, post or place any handbills, advertising materials, coupons, brochures, ~~[placard,]~~ bumper stickers, or any other such materials ~~[brochure]~~ on privately owned motor vehicles parked on privately owned real property unless and until:
1. The owner of the real property has given consent in writing; and
 2. The person so acting to distribute the material and the business entity whose product is to be advertised have purchased the necessary merchant's license for doing business in Branson, Missouri; and
- F. In the event the owner of private parking lots in this City are the holders of a current merchant's license, then no further license for such owner is required for distribution of advertising material on his/her own property.
- G. ~~[Scattering Prohibited]~~. It shall be unlawful to deliver any handbills, advertising ~~[matter or]~~ materials, coupons, brochures, bumper stickers, newspapers, or any other such materials to any premises in the City except by being handed to the recipient, placed on the porch, driveway, stoop, receptacle or entranceway of the building, or firmly affixed to a building or packaged in a manner so as to prevent any such articles from being blown about, becoming scattered, or in any way causing litter. It shall be unlawful to deliver any handbills, advertising materials, coupons, brochures, bumper stickers, ~~[handbills or]~~ newspapers, or any other such materials to any premises where the owner or occupant has told the distributor or the person making the deliveries that he/she does not desire to receive such materials.
- H. ~~[Papers In Public Places Prohibited]~~. It shall be unlawful to leave any handbills, advertising materials, coupons, brochures, bumper stickers, ~~[matter, or]~~ newspapers, or any other such materials unattended in any street, alley, public building, or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
- I. It shall be unlawful to deliver any handbills, advertising materials, coupons, brochures, bumper stickers, newspapers, or other such materials, when either the person delivering or the person to whom the item is being delivered is located on public property, in any of the following places:

1. Within twenty feet (20') of a public toilet;
 2. Within twenty feet (20') of an automated teller machine;
 3. Within twenty feet (20') of a pay telephone;
 4. Within ten feet (10') of the doorway to any business.
- J. It shall be unlawful to deliver or distribute any handbills, advertising materials, coupons, brochures, bumper stickers, newspapers, or other such materials on public property, in the "D" Downtown Zoning District of the City of Branson.

Section 3: That Title VI *Business and Occupation* of the Branson Municipal Code, Chapter 605 *Merchants' Licenses and Regulations* is hereby amended so that Chapter 610.030(B) shall hereafter read as follows:

SECTION 605.030: LICENSE FEES

- B. The merchants or businesses listed below and doing business within the City limits of Branson shall be licensed in accordance with the following rates:

Flea Market Operator and/or Owner	\$5.00 per day or \$100.00 per annum
Peddlers [and Solicitors]	\$7.50 per day or \$75.00 per annum
(Excluding those engaged in Interstate Commerce)	
Merchant Craft Show, Flea Markets	No charge when sponsored by Merchant Association
Temporary License	\$7.50 per day

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETS, STRICKEN~~] HAS BEEN DELETED.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

Read this first time on this ___ day of ____, 2005.


Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this ____ day of _____, 2005.

Louis E. Schaefer - Mayor

ATTEST:

APPROVED AS TO FORM:

Sandra L. Williams, C.M.C.
City Clerk



Daniel R. Wichmer
City Attorney