

**TITLE VI. BUSINESS AND OCCUPATION**

**CHAPTER 600: BUSINESS REGULATIONS**

**SECTION 600.010: DEFINITIONS**

For the purposes of this Chapter the following term shall be deemed to have the meaning indicated below:

*MERCHANT:* Whoever shall deal in the selling of any goods, wares, services or merchandise at any store, stand or place occupied for that purpose within the Village of Wilbur Park, is hereby declared to be a merchant. (Ord. No. 71 §1, 7-8-71)

**SECTION 600.020: TYPE OF BUSINESS**

The Village of Wilbur Park has stated the type or kind of business that is permissible in Title IV of this Code:

Bakery;

Confectionery;

Barber Shop;

Beauty Shop;

Office;

Delicatessen; and

Store for retail business. (Ord. No. 71 §4, 7-8-71)

**SECTION 600.030: UNAUTHORIZED SELLING**

The Village does not authorize merchant's licenses for dramshops. This Chapter shall not be construed to authorize any person to sell intoxicating liquors by the drink. (Ord. No. 71 §6, 7-8-71)



## **CHAPTER 605: GARAGE SALES, ETC.**

### **SECTION 605.010: DEFINITIONS**

As used in this Chapter, the following words shall have the meanings set out herein:

*GARAGE SALE, LAWN SALE, ATTIC SALE, RUMMAGE SALE, BASEMENT SALE, MOVING SALE, ESTATE SALE OR FLEA MARKET:* Any sale of tangible personal property, advertised by any means whereby the public at large is or can be made aware of such sale which is not otherwise regulated by any other provision of the ordinances of the Village of Wilbur Park, Missouri, or which is not made, held or conducted by any person who has been issued a merchant's business or occupational license at an address at which the sale is to be conducted.

*GOODS:* Includes any personal property, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

*PERSONS:* Includes any individual, corporation, or other legal entity, a partnership and any unincorporated association, and includes the plural. (Ord. No. 89 §1, 10-12-95)

### **SECTION 605.020: PERMIT REQUIRED**

A permit issued by the Village Clerk shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised, or held out by any means, to be one of the types of sales enumerated in Section 605.010. When a permit is issued, the Village Clerk shall notify the Village Marshall of the time, date and location of the sale and the Village Clerk shall determine whether any parking or traffic regulations are required. No charge is to be assessed for a permit.  
(Ord. No. 89 §2, 10-12-95)

### **SECTION 605.030: APPLICATION FOR PERMIT**

An application for a permit for any of the sales regulated hereunder shall be made at the office of the Village Clerk on a form to be provided therefore and shall contain the following information:

1. Name of the person, firm, group, corporation, association or organization conducting said sale;
2. The location at which said sale is to be conducted;
3. The number of days which said sale is to be conducted within the limit hereinafter prescribed. (Ord. No. 89 §3, 10-12-95)

**SECTION 605.040: PROHIBITIONS AND RESTRICTIONS**

- A. No person shall conduct, advertise or promote any sale subject to the provisions of this Chapter without a permit issued pursuant thereto.
- B. No permit shall be issued authorizing any such sale to be conducted for a period longer than two (2) days, either two (2) consecutive days or two (2) days within the same week. No person shall be issued more than one (1) permit within any twelve (12) month period, and neither shall more than

one (1) such permit be issued within any twelve (12) month period for any one (1) location. No permit shall be issued authorizing any such sale on Sundays and legal holidays.

- C. No person shall purchase or bring upon his/her property articles or items specifically for a garage sale; however, this provision shall not prohibit two (2) or more Village residents from holding a joint garage sale at one (1) home.
- D. There shall be no display or sale of any property in the front yard of the premises; or on any street, sidewalk or right-of-way.
- E. No signs shall be posted anywhere in the Village of Wilbur Park advertising such sales, except that the property owner may install on the residential lot on which such sale is to be held, one (1) sign not larger than two (2) foot by three (3) foot, advertising such sale. Such signs shall be erected no sooner than one (1) day prior to the date of the sale, and shall be removed at the end of the last day upon which such sale is held. (Ord. No. 89 §4, 10-12-95)

**SECTION 605.050: PERSONS AND SALES EXCEPTED**

The provisions of this Chapter shall not apply to or affect the following persons or sales:

- 1. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- 2. Persons acting in accordance with their powers and duties as public officials.
- 3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten (10) in number.
- 4. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge that the provisions of the Village Ordinances have not been complied with.
- 5. Any sale regulated under any other provisions of the Ordinances of the Village of Wilbur Park, Missouri.
- 6. Any sale conducted by a licensed merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Zoning Regulations of the Village of Wilbur Park, or any other sale conducted by a manufacturer or dealer, provided such sale would be conducted from properly zoned premises and would not otherwise be prohibited.
- 7. Any bonafide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided however, that the burden of establishing the exemption under this Section shall be on the organization or institution claiming such exemption. However, such institutions or organizations are required to secure a permit

as provided for under Section 605.020.  
(Ord. No. 89 §5, 10-12-95)

**SECTION 605.060: PENALTY**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a violation and

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upon conviction thereof, shall be fined a sum not to exceed five hundred dollars (\$500.00). Each day during which any violation of this Chapter continues or exists shall be deemed to be a separate violation. (Ord. No. 89 §6, 10-12-95)





## **CHAPTER 610: PEDDLERS AND SOLICITORS**

### **SECTION 610.010: PURPOSE**

This Chapter is designed to:

1. Prevent undue annoyance of Village residents by peddlers and solicitors,
2. Maximize the First Amendment rights of peddlers and solicitors, as well as the rights of Village residents to be secure in their homes,
3. Reduce the opportunity for crime within the Village,
4. Attempt to provide some assurance to residents of the Village that peddlers and solicitors are not burglars and criminals in disguise, and
5. Attempt to increase the physical safety of peddlers and solicitors who go from place to place within the Village. (Ord. No. 009-002 §1, 2-17-09)

### **SECTION 610.020: PEDDLERS AND SOLICITORS DEFINED**

As used in this Chapter, the following terms shall have the prescribed meanings:

*PEDDLER*: One who, for profit to himself/herself or his/her principal, sells any goods or service or seeks a donation for any cause of a profit-making or commercial character.

*SOLICITOR*: One who solicits for a charitable, political or religious purpose, even if, incidental to such purpose, there is the sale of some goods or service. For purposes of this Chapter, Village residents under the age of eighteen (18) years old soliciting or selling goods or services for the benefit of an organization or entity that is exempt from Federal income taxation under Section 501 of the Internal Revenue Code shall be exempt from the requirements of this Chapter other than Sections 610.170, 610.180 and 610.190, except that the days allowed for solicitation for residents falling under this exemption shall include Saturday and Sunday. (Ord. No. 009-002 §1, 2-17-09)

### **SECTION 610.030: PRESUMPTION**

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

1. A showing that donations to the organization for which one wishes to solicit is exempt from Federal income taxation under Section 501 of the Internal Revenue Code.
2. A showing that the organization for which one wishes to solicit is an organization whose primary purpose is to influence public policy. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.040: IDENTIFICATION CARD REQUIRED**

No person shall engage in any act as a peddler or solicitor without first obtaining an identification card in accordance with the provisions herein. Any person who does so shall be guilty of a misdemeanor. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.050: FEE**

- A. Any person desiring a peddler's identification card shall pay a fee of twenty-five dollars (\$25.00) per card.
- B. There shall be no fee for a solicitor's identification card. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.060: APPLICATION FOR CARD**

Any person or organization (formal or informal) may apply for one (1) or more identification cards by completing an application form at the home of the Village Clerk or such other place designated by the Village. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.070: CONTENTS OF APPLICATION**

The applicant shall provide the following information:

1. Name of applicant.
2. The number of identification cards required.
3. A statement as to the type of cards requested.
4. If one (1) or more solicitor's cards is requested, information required to overcome the presumption of Section 610.030 of this Chapter.
5. If one (1) or more peddler's cards is requested, the fee for each card as provided in Section 610.050 of this Chapter.
6. The name and a photograph of each person for whom a card is requested. Instead of providing the photograph, the applicant may exhibit a valid driver's license or similar identification for each person for whom a card is requested and a photocopy of said identification shall be attached to said application.
7. The permanent and (if any) local address of the applicant.
8. The permanent and (if any) local address of each person for whom a card is requested.
9. A brief description of the proposed activity subject to this identification card

requirement.

10. A statement as to whether or not the applicant has been convicted of any crime and, if so, the nature of the offense and the penalty imposed.

11. A statement as to each person for whom a card is requested as to whether that individual has been convicted of any crime and, if so, the nature of the offense and the penalty imposed.
12. The motor vehicle make, model, year, color and registration number of any vehicle which shall be used in the proposed activity.
13. The permanent name and address of the organization or person (with respect to a solicitor's card) who can provide a prospective donor with more information about the charity for which funds are solicited and from whom information can be obtained as to the disposition of all funds collected, or (with respect to a peddler's card) of the individual organization to whom complaints can be made for defective merchandise, who is responsible for any breach of warranty, and from whom additional merchandise can be ordered.
14. Name and address of person or organization which is intended to receive donations or profits.
15. Any other information the applicant wishes to provide. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.080:****SPECIAL REQUIREMENTS FOR PEDDLER'S CARD**

No person shall be issued a peddler's identification card unless, in addition to the requirements of the preceding Section:

1. He/she demonstrates that he/she (or in the case of an agent, his/her principal) has a valid retail sales license issued by the State Director of Revenue as required by Section 144.083, RSMo.
2. He/she or his/her principal deposits with the Village Clerk a bond in the amount of one hundred dollars (\$100.00) (cash or surety) per card to secure collection and payment to the State Department of Revenue of all Village sales taxes due and payable by reason of sales made within this Village. Said bond shall be forfeited to the Village, if applicant does not (within ninety (90) days of the expiration or surrender of his/her peddler's card) demonstrate by affidavit or otherwise that said sales taxes have been paid.
3. He/she demonstrates either that:
  - a. He/she is a licensed itinerant vendor within the meaning of Section 150.380, RSMo.; or
  - b. He/she is exempt from said requirement.
4. He/she demonstrates either that:
  - a. He/she has a "peddler" license from the County and State as required by Section

150.470, RSMo., or

- b. He/she is exempt from said requirement. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.090: ISSUANCE OF IDENTIFICATION CARD**

Three (3) working days after the application, or sooner if reasonably possible, the requested identification cards shall be issued, unless:

1. The application is incomplete (in which case the Village Clerk will reject the application at the time of its tender or within fifteen (15) minutes thereafter).
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 this Chapter of any other municipality. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.100: INVESTIGATION**

During the period of time following the application for issuance of one (1) or more identification cards and its issuance, the Police liaison Trustee shall make diligent investigation, as to him/her seems necessary, to determine that the applicant is entitled to the identification as hereinabove stated. The Police liaison Trustee shall cooperate with the applicant, shall inform the applicant of the progress of his/her investigation and shall use due diligence in conducting his/her investigation. In all cases, the Police liaison Trustee shall work as expeditiously as is reasonably possible to complete his/her investigation in a minimum amount of time. If the Police liaison Trustee has not completed his/her investigation within the working days that are provided in Section 610.080, the identification will nonetheless be issued. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.110: DENIAL**

If the Village Clerk denies the identification card to one (1) or more persons, he/she shall promptly (and in no event later than two (2) working days after the denial) file a written report of the reason for his/her 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. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.120:**

**APPLICANT'S RIGHTS UPON DENIAL OF AN  
IDENTIFICATION CARD**

If an identification card is denied to an applicant, the applicant shall have the option of an immediate

hearing in front of any of three (3) tribunals at the applicant's option. At such a hearing the Village Attorney on behalf of the Village Clerk shall be required to demonstrate by the preponderance of the evidence that the applicant is not entitled to an identification card under this Chapter. The applicant may choose to take his/her case before any of the following tribunals:

1. The Board of Trustees, at its next regular meeting, or if the next regular meeting is more than ten (10) days from the denial of the identification card, at a special meeting to be held within that ten (10) day period,
2. Before the Municipal Court of the Village, provided that such a hearing will be scheduled within ten (10) days of the request, or
3. Before the Circuit Court of St. Louis County within the regularly scheduled procedures of the Circuit Court. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.130: HEARING ON APPLICANT'S DENIAL OF IDENTIFICATION CARD)  
PROCEDURE**

If the applicant requests a hearing under Subsections 610.120(1) and (2), the said hearing shall be held in accordance with the Administrative Procedures Act of the State of Missouri, and review from the decision shall be had to the Circuit Court of St. Louis County, Missouri, on the record. Should the applicant decide to forego the administrative hearings, the remedy will be an injunction or declaratory judgment action against the Village. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.140: DISPLAY OF IDENTIFICATION CARD**

Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the peddler or solicitor, so as to be reasonably visible to any person who might be approached by said peddler or solicitor. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.150: VALIDITY OF IDENTIFICATION CARD**

An identification card should be valid within the meaning of this Chapter for a period of three (3) months from its date of issuance; thereafter, it shall expire. 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/she wishes to peddle or solicit within the Village. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.160: REVOCATION OF CARD**



Any identification card granted hereunder may be revoked by the Municipal Court after the filing of an information by the Village Attorney and a hearing thereon for any of the following causes:

1. Any violation of this Chapter by applicant or the person for whom the particular card was issued.

2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of a felony.
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.170: GENERAL PROHIBITIONS**

No person having a solicitor or peddler card shall:

1. Enter or remain on private property where he/she has reason to believe that the residents thereof have indicated the solicitor or peddler is not welcome.
2. Make an uninvited entry into a resident's home.
3. Refuse to discontinue his/her message when requested by a hearer to do so, when on private property occupied by the hearer.
4. Enter upon any private property knowing or having reason to believe that the owner or occupants do not desire to receive messages from any solicitor or peddler, either by a posted sign or otherwise. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.180: VILLAGE RESPONSIBILITIES**

Any resident of the Village may list his/her property with the Village Clerk and direct that his/her property is not to be entered by any solicitor or peddler. This list shall be available for public inspection. Upon the issuance of any solicitor or peddler's license, a copy of the list shall be provided with each card. No card holder may enter the private property nor contact any person so listed. (Such listing shall continue for two (2) years, unless listee requests sooner removal, at which time the listing shall be removed, unless the listee shall request the same be continued an additional two (2) years.) (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.190: TIME LIMITS**

No person shall solicit or peddle within the corporate limits of this Village except within the time limits prescribed in this Section:

1. From 9:00 A.M. until 4:00 P.M., Monday through Friday.
2. Notwithstanding Subsection (1) above, no person shall peddle or solicit at any time after sunset on any day unless:

- a. Is dressed in light colored or reflective clothing.
- b. Has notified the Police of his/her intention to solicit after dark. (Ord. No. 009-002 §1, 2-17-09)

**SECTION 610.200: SPECIAL RESTRICTIONS ON PEDDLERS**

No person having a peddler's identification card shall peddle or solicit merchandise:

1. At any place except within the business district of the Village as defined by its zoning ordinances or within twenty-five (25) feet of any non-conforming commercial establishment.
2. Outside of the area provided in Subsection (1) above unless he/she has a specific oral or written invitation to approach the dwelling.
3. This Chapter shall not apply to any person who solicits individuals on real estate in which the person or his/her principal has an ownership or leasehold interest. (Ord. No. 009-002 §1, 2-17-09)

