

Sec. 16-1. Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them:

Itinerant vendor shall mean and include all persons, both principal and agents, who engage in, or conduct in this city, a temporary or transient business involving goods, consumables, wares and merchandise but excluding mobile food vending and who, for the purpose of carrying on such business, hire, lease, or occupy, either in whole or in part, a room, building, or other structure, vehicle, trailer, or temporary location, for the carrying on of such business and do not have a permanent place of business in the city; provided, however, that "itinerant vending" shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to hawkers on the streets or peddlers from vehicles, nor to any sale of goods, wares or merchandise on the grounds of any agricultural society during the continuance of any annual fair held by such society nor to auctioneers when selling goods, merchandise or property for customary auction fee or commissions, nor to sale of agricultural products in their unprocessed state when sold by the producer of the product. Itinerant vendor shall not include any temporary sale conducted adjacent to a licensed business provided that the sale is conducted by the license holder and upon the premises of the license holder in furtherance of the usual business activities of the license holder.

(a) Nothing contained in this chapter which would otherwise be applicable shall apply to charitable, not for profit or educational organizations for events lasting five (5) or fewer days conducted by or organized by said organization.

(Code 1970, § 18-1; Ord. No. 3817, § 1, 8-12-03)

Sec. 16-2. Enforcement of chapter.

It shall be the duty of any police officer of this city to enforce the provisions of this chapter against any person found to be violating the same.

(Code 1970, § 18-2)

ARTICLE III. ITINERANT VENDORS*

Sec. 16-51. License required.

It shall be unlawful for an itinerant vendor to engage in such business within this city without first obtaining a license therefor.

(Code 1970, § 18-59)

Sec. 16-52. Application for license.

Applicants for a license under this article, shall file a written sworn application signed by the applicant, if an individual, by all partners, if a partnership, and by the president if a corporation, with the city collector, showing:

(1)The name of the person having the management or supervision of an applicant's business during the time that it is proposed that it will be carried on in the city;

(2)The local address of such person while engaged in such business;

(3)The permanent address of such person;

(4)The capacity in which such person will act, that is, whether as proprietor, agent or otherwise;

(5)The name and address of the person for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(6)The fingerprints of the person having the management or supervision of applicant's business;

(7)The place or places in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted;

(8)The place other than the permanent place of business of the applicant where the applicant within the six (6) months preceding the date of such application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(9)A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in this city, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or by stock in possession and by sample, at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time such application is filed;

(10)A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the city collector, copies of all such advertising whether by handbill, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereof;

(11)Whether or not the person having the management or supervision of the applicant's business has been convicted of or plead guilty to a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor;

(12)Credentials from the person for whom the applicant proposed to do business, authorizing the applicant to act as such representative;

(13)Such other reasonable information as to the identity or character of the person having the management or supervision of applicant's business or the method or place of doing such business as the city collector may deem proper to fulfill the purpose of this article in the protection of the public good.

(14)Written permission to the applicant from the property owner upon which the temporary sales location will operate.

(15)A certificate of no tax due from the Missouri Department of Revenue.

(Code 1970, § 18-60; Ord. No. 3817, §§ 10, 11, 8-12-02)

Sec. 16-53. Investigation of applicant for license.

Upon receipt of an application for a license required by this article, the original shall be referred to the chief of police who shall cause such investigation of the applicant's qualifications to determine his eligibility to receive such permit.

(Code 1970, § 18-61)

Sec. 16-54. Issuance; denial.

(a) Upon completion of the investigation of an application for a license under this article, the chief of police shall endorse on the application his approval or disapproval thereof and shall transmit such application to the city collector. Upon receipt of such license application from the chief of police and upon payment of the fee prescribed therefore in section 16-56, the city collector shall issue a license to the applicant therefor, unless:

- (1)The application is incomplete, in which case the collector shall return the application for completion and resubmission; or
- (2)The application is found to contain any false or misleading statement, unless the applicant can demonstrate that the error was due to excusable neglect; or
- (3)The applicant is found to have had a prior license revoked by any city, state or agency of government within five (5) years, unless the applicant can demonstrate such revocation is irrelevant to the qualification for a license under this article; or
- 4)The applicant is found to lack good moral character.
- (b)As used in this section, the term "good moral character" shall be construed to mean the propensity of the applicant to serve the public in a fair, honest and open manner.
- (c)In determining whether an applicant possesses or lacks good moral character, the following acts can be taken into consideration;
- (1)Conviction of or plea of guilty to a felony or crime involving moral turpitude within the past five (5) years;
- (2)Conviction of or plea of guilty to a crime within the past five (5) years relating to the duties and responsibilities of the occupation to be licensed. In determining whether such conviction relates to the occupation to be licensed, the following shall be considered:
- a. The nature and seriousness of the crime;
- b. The relationship of the crime to the purposes for requiring a license to engage in the occupation;
- c. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the applicant was previously involved;
- d. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation.
- (3)The age of the applicant at the time of the commission of any act described in subsections (c)(1) and (c)(2);
- (4)The conduct and work activity of the applicant prior to and following commission of any act described in subsections (c)(1) and (c)(2);
- (5)Evidence of the applicant's rehabilitation or rehabilitative efforts while incarcerated or following release;
- (6)Letters of recommendation from prosecution, law enforcement and correctional officers who prosecuted, arrested or had custodial responsibility for the applicant, from the sheriff or chief of police in the community where the applicant resides and from any other persons in contact with the applicants;
- (7)Other evidence of the applicant's present fitness, provided by the applicant, which demonstrates that the applicant has maintained a record of good conduct since his conviction.
- (d)The following criminal records shall not be used, examined or requested in a determination of good moral character:
- (1)Records of an arrest not followed by a conviction or plea of guilty;
- (2)Records of a conviction or plea of guilty which have been reversed or vacated, including the arrest records relevant to that conviction;
- (3)Records of an arrest, conviction or plea of guilty to a misdemeanor or felony unrelated to the duties and responsibilities of the occupation to be licensed;
- (4)Records of an arrest, conviction or plea of guilty to a misdemeanor for the conviction of which person may not be incarcerated in a jail or prison.
- (e)If a license under this article is denied because the applicant thereof is found to lack good moral character or other cause, the applicant shall have the right to request a hearing within ten (10) days of such denial before the city manager or their designee. Such applicant shall be entitled to be represented by counsel, to present evidence and to examine and cross-examine witnesses at the hearing in order to demonstrate his fitness to receive such license.
- (f)Licenses issued under this Article shall be in effect for a period of twelve (12) months.
- (Code 1970, §§ 18-62, 18-63; Ord. No. 3817, § 12, 8-12-02)

Sec. 16-55. Contents of license.

Every license issued under this article shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where such business may be carried on under such license, and the name of the person authorized to carry on such business.

(Code 1970, § 18-65)

Sec. 16-56. Application fee; license fee.

- (a)At the time of application, the applicant for a license as an itinerant vendor shall submit a fee of fifty dollars (\$50.00) to the city collector to cover the costs of processing the application.
- (b)The license fee shall be in the amount required by section 22-58. (Code 1970, § 18-64; Ord. No. 3817, § 8-12-02)

Sec. 16-57. Public liability insurance.

Every applicant for a license required by this article shall file with the city collector proof of a liability policy covering the applicant's business with at least twenty-five thousand (\$25,000.00) in public general liability coverage.

(Code 1970, §18-67; Ord. No. 3817, § 14, 8-12-02)

Sec. 16-58. Reserved.

Editor's note-Ord. No. 3817, § 15, adopted Aug. 12, 2002, repealed § 16-58, which pertained to itinerant vendor applicants nominating the city collector as agent for service of process and derived from Code 1970, § 18-68.

Sec. 16-59. Record of licenses.

The city collector shall keep a full record in his office of all licenses issued under the provisions of this article.

(Code 1970, § 18-66)

Sec. 16-60. Exhibition of license.

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person applying for such license shall desire to do business in more than one (1) place within the city, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

(Code 1970, § 18-69)

Sec. 16-61. Transfer of licenses.

No license issued under this article shall be transferred without written consent from the city manager as evidenced by an endorsement on the face of the license by the city collector showing to whom the license is transferred and the date of the transfer.

(Code 1970, § 18-70)

Sec. 16-62. Revocation of licenses.

(a)Licenses issued pursuant to this article may be revoked by the city manager or their designee, after notice and hearing, for any of the following causes:

- (1)Any fraud, misrepresentation or false statement contained in application for the license;
- (2)Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3)Any violation of this chapter;
- (4)Conviction of or plea of guilty to any crime or misdemeanor involving moral turpitude by the licensee;
- (5)Conducting the business licensed under this article 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)Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten (10) days prior to the day set for the hearing.

(Code 1970, § 18-71; Ord. No. 3817, § 16, 8-12-02)

Sec. 16-63. Duration of license.

No itinerant vendor shall carry on business within the City of Warrensburg in any temporary location for more than fourteen (14) days total in any calendar year. For purposes of this section, any operations during a twenty-four-hour period shall count as one (1) day of operations.

(Ord. No. 3817, § 17, 8-12-02)

Sec. 16-64. Operational standards.

In carrying on business within the City of Warrensburg, all itinerant vendors shall adhere to the following operational standards:

- (1)All applicable local, state and federal laws shall be obeyed;
- (2)No itinerant vendor shall operate except in a general business zone or district within the City of Warrensburg as set forth in chapter 27 of this Code;
- (3)All licenses held hereunder shall be posted and clearly visible upon the location or conveyance where sales are conducted;
- (4)No temporary business location may be set up within the sight triangle on any corner lot as set forth in section 27-231;
- (5)No temporary business location may be set up within fifteen (15) feet of any building exit;
- (6)No temporary business location may be set up within fifteen (15) feet of any driveway or crosswalk;
- (7)No temporary business location may be set up within six hundred (600) feet of any church, school or hospital;
- (8)No temporary business location may be set up within one hundred (100) feet of any fire hydrant;
- (9)No temporary business location may impede or obstruct the free flow of traffic in any parking lot or right-of-way or occupy space designated for parking of vehicles or any aisle or drive composing part of a parking lot required by chapter 27 of this Code;
- (10)No temporary business location may be set up within the set back required by chapter 27 of this Code;
- (11)No temporary business location may be set up so as to obstruct the clear view of any traffic sign or signal;
- (12)No temporary business location may be set up within fifteen (15) feet of any handicapped parking space or disabled access point to any structure;
- (13)No temporary business location is allowed on a public sidewalk or pedestrian way unless a four-foot wide sidewalk or pedestrian way is maintained free of obstruction and congestion;
- (14)All signage must comply in all respects with the sign regulations applicable under chapter 27 for the underlying property;
- (15)No light of any kind shall be cast upon any property located in a residential district, or upon public right-of-way by the license holder.
- (16)No temporary business location shall be located within any paved portion of a street that is open for traffic.

(Ord. No. 3817, § 18, 8-12-02; Ord. No. 4144, § 2, 7-10-06)

*State law reference-Itinerant vendors, RSMo: 150.380 et seq.