

Chapter 59 -- Traveling Merchants and Vendors

59.010. Definitions. As used in this Chapter, the following words and terms shall mean:

1. Traveling Merchants or Traveling Vendors. Any person, whether a resident of the City or not, who engages in a temporary business of selling merchandise within the City of Holts Summit, hires, leases, uses or occupies any building, structure, motor vehicle, tent, public room in hotels, apartments or shops, or any street or parking lot, or any other place within the City for the exhibition and sale of such merchandise. This Chapter shall not apply to truck gardening as regulated under Chapter 42.

2. Merchandise. Any objects, wares, goods, commodities, intangibles, real estate or services.

3. Sale. Includes any sale, offer for sale, or attempt to sell merchandise for cash or on credit.

59.020. License Required. It shall be unlawful for a traveling merchant or a traveling vendor to engage in such business within the City without first obtaining a license therefore in compliance with the provisions of this Chapter.

59.025. Exception to license requirements. Traveling merchants and vendors shall not be required to abide by the regulations as set forth in this Chapter for the limited purpose of participating in a special event. Traveling merchants and vendors must comply with the provisions as stated in the City Parks Rules and Regulations Manual to participate in the special event. Traveling merchants and vendors shall be required to obtain a license as stated herein if sales or services are to be provided at any other time or locations within the City, other than for the special event. **ORD #1864 (5-12-08)**

59.030. Application. Every person required to procure a license under the provisions of this Chapter, shall submit an application therefore to the City Clerk of the City of Holts Summit, Missouri, said application to be in writing and submitted on forms provided by the City Clerk, showing:

1. The names of the persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City; the local addresses of such persons while engaged in such business; the permanent addresses of such persons; if the person will act as a proprietor, agent or otherwise, the name and address of the person for whose account the business will be carried on, and if a corporation, under the laws of what state the name is incorporated.

2. The places in the City where it is proposed to carry on the applicant's business, the hours and the length of time during which it is proposed that such business shall be conducted.

3. The places, other than the permanent place of business of the applicant, where the applicant conducted a traveling business during the past six (6) months, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

4. 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 the 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 from 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.

5. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, copies of all such advertising if by handbills, circular, newspaper advertising or otherwise.

6. Whether or not the persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefore.

7. Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative.

8. Such other reasonable information as to the identity or character of the persons having the management or supervision of the applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purposes of this section in the protection of the public good.

9. Said application shall include the sales tax number issued by the State of Missouri to the applicant and shall be accompanied by a "tax clearance letter" issued by the Department of Revenue of the State of Missouri showing that the applicant is not indebted to the State of Missouri or the City of Holts Summit for any taxes of any kind or nature, including, but not limited to, sales taxes; nor shall a license be issued to any applicant who is in arrears for any debt of any kind or nature owed to the City of Holts Summit.

10. A valid certificate of insurance for workers' compensation coverage for the applicant if the applicant for the license is required to cover his liability under Chapter 287 RSMo.

11. The motor vehicle make, model, year, color, and registration number of any vehicle which shall be used in the proposed activity.

12. The permanent name and address of the organization or person 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.

13. The City Clerk has received a criminal records name check regarding the applicant directly from the Missouri State Highway Patrol-Criminal Record System. It shall be the applicant's responsibility to mail in the request for such criminal records check, using a form provided by the City Clerk, and the applicant shall be responsible for paying any fees charged for such criminal records check. For all purposes, the applicant's application will not be deemed to be tendered or complete until such criminal records report is received by the City Clerk.

59.040. Issuance of license. Upon receipt of an application for a license, the office of the City Clerk shall investigate the applicant. If found that the applicant has been convicted within the past five (5) years of a crime or ordinance which related to his fitness to carry on the proposed business, the application shall be denied. If the application is completed to the satisfaction of the City Clerk, and no such crimes are detected, the City Clerk shall issue a license to the Traveling Merchant or Traveling Vendor. Said license shall include the number of the license, the date the same is issued, the nature of the business authorized, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on under the license and the names of the people authorized to carry on the same.

59.050. Noise. No person, or anyone on their behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud speaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of the City, or upon any private premises, where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell.

59.060. Bond. Before any license shall be issued, such applicant or company shall deposit with the City Clerk a bond in the amount of \$100.00 (cash or surety) to secure collection and payment to the state Department of Revenue all city sales taxes due and payable by reason of sales made within this City. Said bond shall be forfeited to the City if applicant does not (within ninety (90) days of the expiration of the license) demonstrate by affidavit or otherwise that said sales taxes have been paid.

59.070. License Fee. A non-refundable fee of \$100 per application shall be charged in advance for each business license application, which fee shall reimburse the City for the City's expenses in processing and issuing or denying such license. All licenses shall expire on June 30 of each calendar year, and applications for renewal licenses shall be submitted to the City Clerk with the appropriate application fee no more than sixty (60) days and no less than ten (10) days prior to June 30 of each year. No license issued pursuant to the provisions of this Chapter shall be transferable to any other person or entity.

59.080. Separate license for each location or for branch establishments. A separate license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business. The license shall be posted in a conspicuous place.

59.090. Revocation. The Board of Aldermen may, on its own motion, revoke any license issued pursuant to this Chapter if the Board of Aldermen determines that the person or entity holding any such license has filed to pay any tax of any kind or nature due the State of Missouri or the City of Holts Summit, Missouri, including, but not limited to, sales tax, or if any statement made or information furnished in connection with the application for the license is determined by the Board of Aldermen to have been false when made, or for any reason for which the City might deny the issuance of a license.