

City Code ARTICLE 4. ITINERANT AND TRANSIENT MERCHANTS AND VENDORS

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SEC. 5.04.001. DEFINITIONS.

In this Article:

BAZAAR means a benefit sale of various items at an organized event for a specific organization not exceeding five (5) consecutive days.

CRAFT SHOW means the sale of various handmade or homemade items at an organized event sponsored by a specific organization with not more than 200 individual vendors participating and located within a single building or located on a single parcel of property not exceeding five (5) consecutive days.

SHOPPING CENTER means a shopping area or large suburban building or group of buildings, under a single ownership or control, containing a variety of retail shops and service establishments, designed as one unified entity, and providing a private parking lot with the required number of spaces as regulated by Chapter 14 of the Code.

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR means any person whether as owner, agent, consignee or employee, who engages in a temporary or transient business of selling and delivering merchandise or services or operating a commercial or promotional amusement activity within the City with the intention of continuing in such business in any one place for a period of not more than two hundred and ten days within any twelve consecutive month period and who in

furtherance of such purpose hires, leases, uses or occupies a structure, vehicle or other place within the City for the exhibition and sale of such merchandise or operation of a commercial or promotional amusement activity either privately or at public auction. For this definition, transient merchant, itinerant merchant or itinerant vendor are one and the same.

SEC. 5.04.002. ARTICLE 1 APPLIES.

The following special provisions for applicants or holders of Itinerant Merchant and Vendor Licenses shall not be construed as the only requirement of such persons under this Chapter. Rather Article 1 shall be applied herein in its entirety except where specific provisions of this Article override the general provisions of Article 1.

SEC. 5.04.003. ITINERANT LICENSE REQUIRED.

A. It shall be unlawful for any person to engage in business as a transient merchant, itinerant merchant or itinerant vendor within the City without having first obtained a license therefor in compliance with the provisions of this Article. This Article applies to both residents and non-residents.

B. Any person who meets the provisions of this Article as an itinerant or transient merchant or vendor shall not be required to obtain an occupation license under the provisions of Section 5.01.004 or Section 5.01.026 of this Chapter.

C. Nothing contained herein shall be construed to be a granting of permission to use public property for the operation of said business. Any approval for the use of public property for private business purposes within the City must meet the approval of the City Council.

D. The owner or agent of a shopping center may obtain an annual Transient Merchants License for the activities of transient merchants, itinerant merchants, or itinerant vendors at the shopping center. Individual activities conducted at the shopping center shall not be longer than fifteen consecutive days in duration, and the total of all individual activities shall not exceed fifteen consecutive days in any one calendar month. The owner or agent of the shopping center shall maintain records of such activities to show compliance with these requirements.

The fee for such annual Transient Merchants License shall be Two Hundred Dollars (\$200.00) for the license year, in accordance with Section 5.01.013 of the City Code. All itinerant merchants shall be required to have Missouri State Sales Tax numbers for remittance of required state and local sales taxes.

SEC. 5.04.004. ITINERANT LICENSE APPLICATION.

An applicant for a license under this Article shall file an application with the License Officer signed by the applicant if an individual, by a partner if a partnership and by a corporate officer if a corporation. The application shall include the following information:

1. Name, local address and telephone number of the applicant.
2. Permanent address of the applicant.
3. Name and address of the person for whom the business will be conducted. (If a corporation, under the laws of the state in which the business is incorporated).
4. Name and address of the person or persons having management or supervisory responsibility of the firm being represented by the applicant.
5. The place or places in the City where it is proposed to carry on the applicant's business and the length of time during which it is proposed that said business shall be conducted.
6. A statement of the nature and character of the merchandise to be sold or offered for sale by the applicant in the City.
7. A statement as to whether or not the applicant has been convicted of a felony, the nature of such offense and City, County and State where such conviction was rendered.
8. A letter of approval or copy of lease from the owner or agent of the premises to be licensed.

SEC. 5.04.005. PUBLIC LIABILITY INSURANCE REQUIREMENTS.

A. Before any license as provided by this Article shall be issued to an applicant for an amusement activity, such applicant shall procure public liability insurance with the following coverage:

1. For bodily injury to or death of any one person in the amount of not less than One Hundred Thousand Dollars.
2. For any one accident in the amount of Three Hundred Thousand Dollars.
3. For damage to the property of another person in the amount of not less than Fifty Thousand Dollars for any one accident.

B. The applicant shall file with the License Officer a certificate of insurance issued by the insurance carrier concerned as evidence that the public liability insurance requirements have been complied with.

C. Every insurance policy required under this Article shall extend through the period covered by the license applied for. The cancellation or termination of such policy shall automatically terminate and revoke the license issued under the provisions of this Article unless another policy complying with the provisions of this Article shall be provided and is in effect at the time of such cancellation or termination period.

SEC. 5.04.006. EXHIBITION OF LICENSE.

The license issued under this Article shall be posted conspicuously in the place of business named therein, or carried on such person or in such vehicle as the licensee operates for business purposes. In the event that such person or persons applying for a license shall desire to do business in more than one place with the City, separate licenses shall be required for each place of business.

SEC. 5.04.007. ITINERANT LICENSE FEES.

Licensees, except for the owner or agent for a shopping center, under this Article shall pay a fee in the sum of Fifty Dollars for the first thirty days and/or One Hundred Dollars (\$100.00) for one hundred twenty (120) days.

SEC. 5.04.008. ITINERANT FEE PROVISIONS - EXEMPTIONS.

There shall be exempted from the fee provisions of this Article all sales made by religious, charitable, eleemosynary institutions and educational institutions that are supported by public funds or by religious organizations in the conduct of the regular religious, charitable, eleemosynary or educational functions and activities of the particular organization. The License Division will issue an exemption letter after processing the written request for exemption.

Individual vendors shall be exempt from the Itinerant License requirements for the first two (2) craft shows or bazaars sponsored by religious, charitable, educational and governmental organizations each calendar year. Organizations sponsoring a craft show or bazaar must notify the License Division at least thirty (30) days prior to each show. Organizations exceeding the annual limit of two (2) craft shows or bazaars will be responsible for notifying individual vendors of the Itinerant License requirements and ensuring compliance with the requirements of this Article.

SEC. 5.04.009. ITINERANT LICENSEE ADDITIONAL DUTIES.

A. Any person granted a license under the provisions of this Article for a commercial or promotional amusement activity shall within a reasonable period of time after the cessation of such activity remove from the premises where such activity took place all trash, refuse, rubbish, signs and all unsold merchandise.

B. Any licensee refusing or failing to comply with the provisions of this Section shall upon conviction thereof be deemed guilty of a misdemeanor and subject to the penalty prescribed by Section 5.01.026 of this Chapter.

SEC. 5.04.010 - 5.04.999 RESERVED.