

COMMITTEE SUBSTITUTE

**BOARD BILL NO. 217 INTRODUCED BY ALDERMEN LYDA KREWSON/
ALFRED WESSELS/MATT VILLA/STEPHEN GREGALI/KENNETH ORTMANN**

An ordinance pertaining to solicitations; repealing Ordinance 52194 and Ordinance 40234 and enacting in lieu thereof thirteen new sections providing for the permitting and regulation of solicitations within the City of St. Louis; containing definitions, a penalty clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance 52194 and Ordinance 40234 are hereby repealed and in lieu thereof the following new sections are enacted.

SECTION TWO. The following definitions shall apply to the provisions of this ordinance:

- (1) "Director" shall mean the Director of the Street Department.
- (2) "Solicit" and "Solicitation" shall mean any request, plea, entreaty, demand, or invitation, or attempt thereof, to give money or property or purchase merchandise or goods, that occurs on the streets, sidewalks or public right of ways in connection with which:
 - (a) Any appeal is made for charitable purposes; or
 - (b) The name of any charity, philanthropic or charitable organization is used or referred to in any such appeal as an inducement for making any such gift or purchase; or
 - (c) Any statement is made to the effect that such gift or any part thereof will go to or be used for any charitable purpose or organization.

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- (3) "Charitable Organization" shall mean and include any person who, or any nonprofit community organization, fraternal, benevolent, educational, philanthropic, or service organization, or governmental employee organization which, solicits or obtains contributions solicited from the public for charitable purposes of or holds any assets solely for charitable purposes.
- (4) "Charitable purpose" shall mean any purpose which promotes, or purports to promote, directly or indirectly, the well-being of the public at large or any number of persons, whether such well-being is in general or limited to certain activities, endeavors or projects.

SECTION THREE. No charitable organization may solicit, directly or through an agent or employee, any contribution for any charitable purpose or conduct any sales solicitation for charitable purposes activity on the streets, sidewalks, parks or other public right of way unless such charitable organization shall have first obtained a permit from the Director of Streets.

SECTION FOUR. Except as provided for in this ordinance, solicitation is prohibited within the City of St. Louis.

SECTION FIVE. Any charitable organization which desires to solicit within the City of St. Louis shall, at least seven (7) but not more than sixty (60) days prior to the intended solicitation, file with the Department of Streets an application to solicit on forms to be approved by the Director.

SECTION SIX. The application shall be sworn to and addressed to the Director and shall contain the following:

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- A. Name, address and telephone number of the applicant;
- B. The location(s) at which such solicitation will take place;
- D. The proposed date and time period of the solicitation;
- E. The name, if applicable, of the organization on whose behalf solicitation is proposed;
- E. The purpose for which the solicitation is to be made and the use or disposition to be made of any receipts therefrom;
- F. The name and address of the person or persons who will be in direct charge of conducting the solicitation;
- G. If the solicitation is proposed by an organization, the names, addresses and telephone numbers of the organization's officers.
- H. For purposes of this section a Post Office Box shall not be an acceptable address.

SECTION SEVEN. The Director shall not consider any application unless a fee of thirty-five (\$35.00) dollars is paid at the time the application is filed. A charge of two (\$2.00) dollars shall be made for each duplicate permit. Permits shall be valid for a period of thirty (30) days

SECTION EIGHT. Rules and regulations.

1. No person holding a permit authorized by this ordinance shall

(A) solicit the driver or occupants of any vehicle while such vehicle is being operated upon a street or other public roadway within the City of St. Louis;

(B) solicit while standing in any street or alley or along any median in any street or

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roadway within the City of St. Louis

(C) solicit within a City Park

2. All solicitations authorized by this ordinance shall occur between the hours of 9:00 A.M. and 5:00 P.M.

3. The provisions of paragraphs (A) and (B) of this section shall not apply during the following times: 9:00 A. M. on the Saturday prior to Memorial Day until 5:00 P.M. on Memorial Day and from 9:00 A.M. on the Saturday prior to Labor Day until 5:00 P.M. on Labor Day.

SECTION NINE. No person sixteen years (16) of age or younger shall be allowed to solicit within the City of St. Louis unless such person is accompanied by a person who is at least eighteen (18) years old.

SECTION TEN. No person shall solicit for funds unless such person possesses a copy of the original permit issued by the Director. The permit shall designate the permittee, the signature of the persons in charge of the solicitation, and other information as the Director may direct.

SECTION ELEVEN. Canisters may only be used in a solicitation when the canister has attached to it a copy of the permit issued by the Director. All of the canisters shall be returned to the principal office of the person or organization conducting a solicitation on or before the expiration date shown on the permit attached to the canister.

SECTION TWELVE. The Director shall have the power to revoke any permit issued under the provisions of this Ordinance.

SECTION THIRTEEN. No person holding a permit, or any agent, member or

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representative thereof, shall advertise or represent in any manner, that the permit is an endorsement of the holder by the by the City of St. Louis.

SECTION FOURTEEN. Any person found guilty of a violation of this ordinance shall be assessed a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars. Upon a finding that a violation of this ordinance has occurred, the person and the organization found to be in violation shall be prohibited from applying for a permit for a period of twelve (12) months from the date of the finding of guilt.

SECTION FIFTEEN. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.