

BILL NO. 297

ORDINANCE NO. 289

INTRODUCED BY: Trustees Brockmann, Dresner, Slama, Owens, and Whitmore

AN ORDINANCE AMENDING TITLE VI, CHAPTER 630, BUSINESS AND OCCUPATION, BY PROHIBITING THE SALE OF GOODS OR SERVICES IN PUBLIC RIGHTS OF WAY, AUTHORIZING LIMITED SOLICITATIONS AT SPECIFIED INTERSECTIONS, REQUIRING PERMITS AND FIXING PENALTIES

WHEREAS, the Board of Trustees has, previously hereto, legislated certain policies and requirements dealing with the activities within Village limits of Peddlers, Solicitors and Canvassers; and

WHEREAS, the Trustees deem it necessary, expedient and in the best interest of public health, safety and welfare to specifically and further prohibit the sale of goods and limit solicitation of money within rights-of-way; and

WHEREAS, the Trustees remain mindful of the broad public interest in the use of public property and rights-of-way and the necessity of balancing such rights against the need for safe and efficient travel thereon;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Twin Oaks, Missouri, as follows:

Section 1. A new SECTION 630-170 is adopted to read as follows:

SEC. 630-170. Sale of goods or services prohibited in public rights-of-way.

Notwithstanding the other terms and conditions of Ordinance No. 284 of the Village of Twin Oaks, the sale of goods and services for profit within the rights-of-way is prohibited except that solicitations of contributions from the occupant of any vehicle by a person standing on or in proximity to a street or highway will be permitted only at any intersection or combination of intersections designated in Schedule I of this ordinance which is controlled by an electric signal and which meets the following conditions:

1. A permit is obtained from the Village Administrator/ Clerk of the Village of Twin Oaks;
2. The soliciting organization is a bonafide charitable organization as documented by having obtained tax exempt status under Section 501(C)(3) from the Internal Revenue Service;
3. All solicitors must be eighteen (18) years of age or older;

4. Only one (1) solicitation per organization annually will be approved and must be in conjunction with an area-wide fund raising activity, area-wide fund raising activity being designated as the Greater Metropolitan St. Louis area;
5. The soliciting organization shall submit a written agreement wherein it will hold harmless the Village of Twin Oaks from any and all liability arising out of the solicitation by its members in the Village;
6. Solicitors must remain on the concrete median or on the margin of the first lane of travel at all times during solicitation.
7. Each solicitor shall wear a reflective vest of the type required by OSHA for persons working in a dangerous environment.

Section 2. The penalties provided for violation of this Ordinance shall be those previously set forth in Section 630.150 of this Chapter.

Section 3. This Ordinance shall be printed in the Municipal Code of the Village of Twin Oaks.

Section 4. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Section 5. This ordinance shall take effect and be in force from and after its passage and approval as provided by law.

PASSED and APPROVED this 15th day of April, 2009.

Paul Brodman
Chairman

ATTEST:

Karen G. Yeo
Village Clerk

First Reading: 4-1-09

Second Reading: 4-15-09

**SCHEDULE I – SOLICITATION ALLOWED
AT THE FOLLOWING INTERSECTIONS**

- 1) Median of Eastbound Big Bend Road at Highway 141: first (inner) left turn lane only.
- 2) Median of Westbound Big Bend Road at Highway 141: first (inner) left turn lane only.
- 3) Median of Eastbound Big Bend Road at Twin Oaks Center: single left turn lane only.
- 4) Northbound exit of Highway 141 at Big Bend Road, first (inner) left turn only.
- 5) Southbound exit of Highway 141 at Big Bend Road, first (inner) left turn lane only.