

NOTICE OF MEETING AND CITIZEN ADVISORY COMMITTEE AGENDA



CITY OF OSAGE BEACH CITIZEN ADVISORY COMMITTEE

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

October 2, 2023 - 6:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- A. Motion to approve minutes September 5, 2023

UNFINISHED BUSINESS

- A. Motion to recommend to Board of Aldermen Food Truck Recommendation
- B. Discussion -Sign Ordinance

NEW BUSINESS

ADJOURN

Remote viewing link:

Representatives of the news media may obtain copies of this notice by contacting the following:

Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573.302.2000 x 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's Office forty-eight (48) hours in advance of the meeting at the above telephone number.

MINUTES OF THE CITY OF OSAGE BEACH, MISSOURI

CITIZEN ADVISORY COMMITTEE

September 5, 2023

The Citizen Advisory Committee of the City of Osage Beach, Missouri, was called to order by Chairman Cory Booth on Tuesday, September 5, 2023, at 6:00 p.m. The following were present confirmed by roll call: Luke Hagedorn, Gloria O'Keefe, Amy Hernandez, Bob Van Hook, Darline Schmitt, and Lee Schuman. Absent Geniece Tyler, Chad Kautz, Dr Paula Brown. Tara Berreth/City Clerk performing the duties of the City Clerk's Office.

NEW BUSINESS

A. Discussion - Sign Ordinances

Concerns:

Code enforcement

Political Signs in yards

Grandfathered in Signs

City Maintained Directions Signs

Size of signs

Business owners should be able to put signs in public right of way.

What happened to the City Section 405.370 Section B Item 4?

Has any sign policy gone through legal review?

Would like to make the sign code flow better to answer the question?

Maybe a one sheet sample of permitted sign.

Businesses that have too many signs in their driveway.

Zoning in legalities.

ADJOURN

Next meeting will be on Monday, October 2, 2023, at 6:00 pm

ADJOURN

Committee Member Hagedorn made a motion to adjourn at 7:05pm. This motion was seconded by Committee Member O'Keefe. Motion passes unanimously with a voice vote.

I, Tara Berreth, City Clerk at the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the Osage Beach Missouri Citizens Advisory Committee Meeting on September 5, 2023, and approved on October 2, 2023.

Tara Berreth/City Clerk

Cory Booth, Chairman

Chapter 610

Peddlers and Solicitors

Editor's Note — Ord. no. 03.03 §1, adopted April 17, 2003, repealed ch. 610 and enacted new provisions set out herein. Former ch. 610 derived from CC 1985 §§16-1 — 16-4, 16-26 — 16-36; ord. of 7-11-1985 §§1 — 18; ord. no. 93.29 §1, 6-3-1993; ord. no. 93.33 §§1 — 2, 7-1-1993.

Section 610.010 Definitions.

[R.O. 2006 §610.010; Ord. No. 03.03 §2, 4-17-2003]

As used in this Chapter, the following words have the meaning indicated:

CANVASSER

A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

MOBILE FOOD ESTABLISHMENT

A an operation that stores, prepares, packages, serves or otherwise provides food for human consumption, and that operates from a movable vehicle, portable structure, or pushcart.

PEDDLER

One who either:

1. For profit to himself/herself or his/her principal, locates temporarily at one (1) place or goes from place to place to sell any good or service or seeks donations for any cause of a profit-making or commercial character, or
2. Attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service.
3. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor".
4. A "peddler" does not include a Mobile Food Establishment.

SOLICITOR

One who either:

1. Solicits at any location within the City for a charitable, political or religious purpose, even if incidental for such purpose there is the sale of some good or service; or
2. A makes or attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for a commercial purpose. for the primary purpose of:

- a. ~~Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or~~
- b. ~~Distributing a handbill or flyer advertising a commercial event or service.~~

Section 610.020 Exceptions.

[R.O. 2006 §610.020; Ord. No. 03.03 §3, 4-17-2003]

A. This Chapter shall not apply to:

- 1. A Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer; or
- 2. A licensed itinerant vendor within the meaning of Section 150.380, RSMo.; or
- 3. An applicant who demonstrates they have a peddler license from the County and State as required by Section 150.470, RSMo.; or
- 4. An applicant who demonstrates he is exempt from said requirement.

Section 610.030 Identification Card Required For Peddlers and Solicitors — Available For Canvassers.
[R.O. 2006 §610.030; Ord. No. 03.03 §4, 4-17-2003]

No person shall act as a peddler, ~~or as a solicitor,~~ **or mobile food establishment** within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

Section 610.040 Fee.

[R.O. 2006 §610.040; Ord. No. 03.03 §5, 4-17-2003]

A. The fee for the issuance of each identification card shall be as follows:

- 1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City, no fee as long as the peddler is operating on the merchant's licensed premises.
- 2. For a peddler acting on behalf of a merchant not **listed in subsection 1 above** ~~otherwise licensed to do business within the City,~~ a five hundred dollar (\$500.00) fee for six (6) months plus thirty-five dollars (\$35.00) per card issued.
- 3. The applicant shall deposit with the City Clerk a bond in the amount of one hundred dollars (\$100.00) (cash or surety) per card to secure collection and payment to the Missouri Department of Revenue all sales tax due and payable by reason of sales made within this City. Said bond shall be forfeited to the City if the applicant does not, within ninety (90) days of the expiration or surrender of the peddler's card, demonstrate by affidavit or otherwise that sales tax has been paid.
- 4. For a solicitor ~~(including a commercial solicitor) advertising an event, activity, good or service for purchase at a location away from the solicitor's premises —~~ no fee.
- 5. **For a mobile food establishment:** ~~For a charitable organization recognized by the Internal Revenue Service (IRS) as a 501(c)(3) exempt organization —~~ no fee.

a. Ten dollars (\$10.00) for a single-day event;

- b. Twenty dollars (\$20.00) for five consecutive days or less;
- c. One hundred dollars (\$100.00) for six calendar months or less.

6. For a canvasser requesting an identification card — no fee.

Section 610.050 Application For Identification Card.
[R.O. 2006 §610.050; Ord. No. 03.03 §6, 4-17-2003]

Any person or organization may apply for one (1) or more identification cards by completing an application form at the office of the City Clerk during regular office hours.

Section 610.060 Contents of Application.
[R.O. 2006 §610.060; Ord. No. 03.03 §7, 4-17-2003]

A. The applicant shall provide the following information:

1. Name of applicant. **If the applicant is a company, LLC, corporation, partnership, or other entity, said entity shall provide the name(s) of all responsible owners, members, officers, and/or employees of said entity and provide the following information for each.**
2. Number of identification cards.
3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification (issued by a government within the United States) containing this information may be provided and a photocopy taken. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.
4. The permanent and (if any) local address of the applicant.
5. The permanent and (if any) local address of each person for whom a card is requested.
6. A brief description of the proposed activity related to this identification card. (Copies of the literature to be distributed may be substituted for this description at the option of the applicant.)
7. ~~Date and place of birth for each person for whom a card is requested and the Social Security number of such person.~~
8. A list of all ~~infraction, offense,~~ misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle that will be used by each person for whom a card is requested.
10. If a card is requested for a peddler, the following additional requirements shall be met:
 - a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
 - b. A copy of the principal's sales tax license as issued by the State of Missouri showing Osage Beach as their place of business, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.

- c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
 - d. Written permission from the property owner where the proposed activity is to take place.
 - e. Peddlers are specifically prohibited from setting up in a fixed location unless all requirements of the Osage Beach Zoning Code have been met.
11. **If a card is requested for a mobile food establishment:**
- a. **A copy of the applicant's current health inspection showing that the applicant meets all current health requirements.**
 - b. **A copy of all approvals required by the county(ies) in which the applicant intends to operate.**
 - c. **The address of the applicant's commissary location.**
 - d. **Written permission from the property owner(s) where the establishment intends to operate. If additional locations are added after issuance of the identification card, such written permissions must be provided to the City Clerk before the mobile food establishment may operate there.**

~~If a card is requested for a solicitor, the following additional requirements shall be met:~~

- ~~a. The name and permanent address of the organization, person or group for whom donations (or proceeds) are accepted.~~
- ~~b. The web addresses for this organization, person or group (or other address) where residents having subsequent questions can go for more information.~~

Section 610.070 Issuance of Identification Card.

[R.O. 2006 §610.070; Ord. No. 03.03 §7, 4-17-2003]

- A. The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:
 - 1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years;
 - 2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years; ~~or~~
 - 3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect; **or**
 - 4. **Additional time is required to verify or otherwise inspect the application.**

Section 610.080 Investigation.

[R.O. 2006 §610.080; Ord. No. 03.03 §8, 4-17-2003]

During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section **610.070**, the identification card will nonetheless be issued, subject, however to administrative revocation upon completion of the investigation.

Section 610.090 Denial — Administrative Revocation.
[R.O. 2006 §610.090; Ord. No. 03.03 §9, 4-17-2003]

If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification, and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the Municipal Court of the City, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

Section 610.100 Hearing On Appeal.
[R.O. 2006 §610.100; Ord. No. 03.03 §10, 4-17-2003]

If the applicant requests a hearing under Section **610.090**, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of Camden County. The hearing shall also be subject to the Missouri Open Meetings and Records law.

Section 610.110 Display of Identification Card.
[R.O. 2006 §610.110; Ord. No. 03.03 §11, 4-17-2003]

Each identification card shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

Section 610.120 Validity of Identification Card.
[R.O. 2006 §610.120; Ord. No. 03.03 §12, 4-17-2003]

An identification card shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

Section 610.130 Revocation of Card.
[R.O. 2006 §610.130; Ord. No. 03.03 §13, 4-17-2003]

- A. In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:
1. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
 2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
 3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
 4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section **610.100** above.

Section 610.140 Distribution of Handbills and Commercial Flyers.

[R.O. 2006 §610.140; Ord. No. 03.03 §14, 4-17-2003]

- A. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:
 - 1. No handbill or flyer shall be left or attached to any sign, utility pole or other structure within the public right-of-way. Police Officers are authorized to remove any handbill or flyer found within the right-of-way.
 - 2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
 - 3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 610.150(1) or (2).

Section 610.150 General Prohibitions.

[R.O. 2006 §610.150; Ord. No. 03.03 §15, 4-17-2003; Ord. No. 13.41 §§1—2, 7-11-2013]

- A. It shall be unlawful for any peddlers, solicitors, or canvassers to:
 - 1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. (The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.)
 - 2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entranceway leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
 - 3. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
 - 4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 - 5. Enter upon the property of another for the purpose of engaging in peddling, soliciting or canvassing, except between the hours of 9:00 A.M. and 8:00 P.M.
 - 6. Set up and remain in a fixed location unless all requirements of the Zoning Code of the City have been met.
 - 7. Stand, walk or loiter on the roadway or in any other manner stall, delay or obstruct the normal flow of traffic.
- B. The above prohibitions shall not apply when the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

Section 610.160 Violation To Be Prosecuted As Trespass.

[R.O. 2006 §610.160; Ord. No. 03.03 §16, 4-17-2003]

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

Section 610.170 Additional Requirements for Mobile Food Establishments.

Any person operating a mobile food establishment:

1. Shall not operate within City limits without a merchant's license as required by Section **605.020** of this Code.
2. Shall not set up and remain in a fixed location unless all requirements of the Zoning Code of the City have been met.
3. Shall not stand, walk or loiter on the roadway or in any other manner stall, delay or obstruct the normal flow of traffic.
4. Shall not operate in such a manner as to cause grease or other waste to flow into private or public sewers, or otherwise violate the requirements of Section **710.280** of this Code regarding prohibited discharges.
5. Shall not fail to provide means for the mobile food establishment and its customers to dispose of trash and other solid waste in a sanitary and safe manner, or to fail to collect and dispose of solid waste attributable to the mobile food establishment, or to otherwise violate Section **215.060** of this Code.
6. Shall comply with all applicable federal, state, and local laws regarding food service and food safety, including but not limited to the Missouri Food Code as stated in 19 C.S.R. § 20-1.025 Sanitation of Food Establishments.
7. Shall comply with all requirements and instructions of the Health Departments of Camden and/or Miller Counties (as appropriate).

Upon the violation of any of the terms of this Article, any identification card may be temporarily suspended by the City Clerk, or revoked after an opportunity for a hearing by the City Administrator upon serious or repeated violations. The City Clerk shall have the specific authority to suspend the identification card of any mobile food establishment when such shall constitute a public health hazard or jeopardizes public health by reason of food that is unsafe for human consumption. Any mobile food establishment may at any time make application for the reinstatement of the identification card. Within five business days after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision has been conformed with, the City Clerk shall determine whether the violation has been corrected and so inform the applicant. Once the City Clerk determines the violation has been resolved, the identification card shall be reissued unless it has been revoked under this section.

List of Concerns given to Attorney Bradbury and Planner Patterson:

Code enforcement

Political Signs in yards

Grandfathered in Signs

City Maintained Directions Signs

Size of signs

Business owners should be able to put signs in public right of way.

What happened to the City Section 405.370 Section B Item 4?

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