

CHAPTER 16

PEDDLERS AND SOLICITORS

ART. I	License for Peddlers, 16-1-1 – 16-1-9
ART. II	Certificate of Registration for Solicitors, 16-2-1 – 16-2-10

ARTICLE I. LICENSE FOR PEDDLERS

16-1-1. Definition of peddle. For the purpose of this article, peddle shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of tangible personal property within the City, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items, nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

16-1-2. License required. It shall be unlawful for any person, firm or corporation to peddle within the City without having first secured a license therefor.

16-1-3. Investigative application for license; issuance of license. An investigative application for a license shall be made upon a form provided by the City. The applicant shall truthfully state in full the information requested on the application, to-wit:

(a) Name and address of present place of residence and length of residence at such address; also business address if other than present address;

(b) Address of place of residence during the past three years if other than present address;

(c) Age of applicant;

(d) Physical description of the applicant;

Peddlers and Solicitors 16-1-3

(e) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;

(f) Name and address of employer during the past three years if other than the present employer;

(g) Description sufficient for identification of the items to be peddled;

(h) Period of time for which the license is sought;

(i) The date, or approximate date, of the latest previous application for license under this article, if any;

(j) Whether a license issued to the applicant under this ordinance has ever been revoked;

(k) Whether the applicant has ever been convicted of a violation of a felony under the laws of this State or any other state or any federal law of the United States;

(l) A description of each vehicle, if any, to be used in connection with the peddling including the vehicle identification number and registration number of each vehicle;

(m) Names of the three most recent communities where the applicant has peddled including addresses and phone numbers of officials of said communities who issued permits or licenses to applicant.

(n) Proposed method of operation;

(o) Signature of applicant;

(p) Social Security number of applicant; and

(q) Illinois Retailers' Occupation Tax number.

All statements made by the applicant upon the application or in connection therewith shall be under oath. Applicant shall produce his driver's license or some other form of positive identification.

The applicant shall submit to fingerprinting if requested by the police department in connection with the application for the license. The police department may also conduct an investigation with regard to the application to verify the information included therein. No license shall be issued to any person who has been convicted of the commission of a felony under the laws of this state or any other state or federal law of the United States within five (5) years prior to the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose license issued hereunder has previously been revoked, nor to any person who does not have an Illinois Retailers' Occupation Tax number. The police department shall have up to 72 hours to complete the investigation and to submit all necessary information to the City Clerk who shall submit the application to the City Council for approval at its next regular meeting.

If the applicant meets all of the qualifications for a license, the City Clerk shall issue the license. If the applicant does not meet all of the qualifications, the license shall be denied and the applicant shall be notified as to the reasons why the license is being denied and the reasons shall also be noted on the application itself.

The City Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all licenses issued under the provisions of this article, and the denial of licenses. Applications for licenses shall be numbered in consecutive order as filed, and every license issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

(Ordinance 83-C-4, amended August 01, 1983)

Peddlers and Solicitors 16-1-4

16-1-4. Fee. The fee for each license shall be \$50 for one day; \$150 for not less than two nor more than seven days; \$250 for not less than eight nor more than 30 days; and \$1,000.00 for not less than 31 days nor more than one year. The days specified in this paragraph shall be consecutive days. (Ordinance No. 10-C-4, amended June 21, 2010)

16-1-5. Peddling on streets or other public places. No person shall peddle on any street, sidewalk, park, parkway, or in any other public place unless his peddler's license specifically grants the right to peddle in such public places.

16-1-6. Restrictions on hours for peddling. It is hereby declared to be unlawful for any person to peddle before 9:00 A.M. or after 6:00 P.M. on Monday through Saturday or at anytime on Sunday or on a State or national holiday.

16-1-7. Fraud; revocation of license. Any licensed peddler who shall commit any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler in the City or who shall barter, sell or peddle any goods, or merchandise, or wares other than those specified in his application for a license shall be deemed guilty of a violation of this article, and his license may be immediately revoked by the Mayor or Chief of Police.

16-1-8. Penalty. Any person, firm or corporation violating any provision of this article shall be fined in an amount not to exceed \$1,000.00; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Any license issued under the provisions of this article may be revoked by the Mayor or any police officer of the City for any violation of any regulation hereof, and such revocation shall be in addition to any fine imposed by this Section. In the event of a revocation, any fee paid to obtain a license shall be forfeited and shall not be refunded. The decision of a police officer of the City to revoke a license may be appealed to the City Council. (Ordinance 10-C-4, amended June 21, 2010)

16-1-9. Bonds. Before any license shall be issued, the applicant shall file with the city clerk a bond running to the City in the sum of \$1,000.00 executed by the applicant, as principal and two sureties upon which service of process may be made in the state. Such bond shall be conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him/her by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or calculated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Ordinance 10-C-4, amended June 21, 2010)

ARTICLE II. CERTIFICATE OF REGISTRATION FOR SOLICITORS

16-2-1. Definitions. For the purpose of this article the following words as used herein shall be considered to have the meaning herein ascribed thereto:

(1) “Soliciting” shall mean and include any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

B. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

C. Seeking to obtain subscriptions to books, magazines,

periodicals, newspapers and every other type or kind of publication; or

D. Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

(2) "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(3) "Registered solicitor" shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

16-2-2. Certificate of registration. Every person desiring to engage in soliciting as herein defined from persons in residences within this municipality, is hereby required to make written application for a certificate of registration as hereinafter provided. Such certificate shall be carried by the solicitor.

16-2-3. Application for certificate of registration. Application for a certificate of registration shall be made upon a form provided by the municipality. The applicant shall truthfully state in full the information requested on the application, to-wit:

(a) Name and address of present of residence and length of residence at such address; also business address if other than present address;

(b) Address of place of residence during the past 3 years if other than present address;

(c) Age of applicant;

(d) Physical description of the applicant;

(e) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length

of time of such employment or representation;

(f) Name and address of employer during the past 3 years if other than the present employer;

(g) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;

(h) Period of time for which the certificate is applied;

(i) The date, or approximate date, of the latest previous application for certificate under this article, if any;

(j) Has a certificate of registration issued to the applicant under this ordinance ever been revoked?

(k) Has the applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States?

(l) Names of magazines, journals or books;

(m) Names of the 3 most recent communities where the applicant has solicited house to house, including addresses and phone numbers of officials of said communities who issued permits or licenses to applicant;

(n) Proposed method of operation;

(o) Signature of applicant;

(p) Social Security number of applicant; and

(q) Illinois Retailers' Occupation Tax number.

All statements made by the applicant upon the application or in connection therewith shall be under oath. Applicant shall produce a driver's license or some other form of positive identification.

The applicant shall submit to fingerprinting if requested by the police department in connection with the application for the certificate. The police department may also conduct an investigation with regard to the application to verify the information included therein. No certificate shall be issued to any person who has been convicted of the commission of a felony under the laws of this State or any other state or federal law of the United States within five (5) years prior to the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose certificate issued hereunder has previously been revoked, nor to any person who does not have an Illinois Retailers' Occupation Tax number. The police department shall have up to 72 hours to complete the investigation and to submit all necessary information to the City Clerk for approval by City Council at its next regular meeting.

If the applicant meets all the qualifications for a certificate, the City Clerk shall issue the certificate. If the applicant does not meet all the qualifications, the certificate shall be denied and the applicant shall be notified as to the reasons why the certificate is being denied and the reasons shall also be noted on the application itself.

The City Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and date pertaining thereto and all certificates of registration issued under the provisions of this article, and the denial of applications. Applications for certificate shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

(Ordinance No. 83-C-3, amended August 01, 1983)

16-2-4. Fee. Each registrant shall pay to the City Clerk a registration fee of \$50. The certificate of registration shall state the expiration date thereof.

(Ordinance 10-C-4, amended June 21, 2010)

16-2-5. Revocation of certificate. Any certificate issued under the provisions of this article may be revoked by the Mayor or any police officer of the City for any violation of any regulation hereof, and such revocation shall be in addition to any fine imposed by this Section. In the event of a revocation, any fee paid to obtain a certificate shall be forfeited and shall not

be refunded. The decision of a police officer of the City to revoke a certificate may be appealed to the City Council.

(Ordinance 10-C-4, amended June 21, 2010)

16-2-6. Notice regulating soliciting. In the event that a person or entity desires to bar solicitation at a residence, business, or other building, said occupant may state on a Notice placed on a main entrance door the determination that “No Solicitors Invited”. Said notice shall constitute sufficient notice to any solicitor of the determination by the occupant that no solicitation is desired or allowed.

(Ordinance 10-C-4, amended June 21, 2010)

16-2-7. Duty of solicitors. It shall be the duty of every solicitor upon going onto any premises in the municipality to first examine any notice provided for in this article, if any is attached, and be governed by the statement contained on the notice. If the notice states “No Solicitors Invited”, or a notice with a similar intended message, then the solicitor shall immediately and peaceably depart from the premises.

Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Ordinance 10-C-4, amended June 21, 2010)

16-2-8. Uninvited soliciting prohibited. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 16-2-6 of this article.

16-2-9. Time limit on soliciting. It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this article or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the

Peddlers and Solicitors 16-2-9

occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 a.m. or after 6:00 p.m. on Monday through Saturday, or at anytime on a Sunday or on a state or national holiday.”

(Ordinance No. 83-C-3, amended August 01, 1983)

16-2-10. Penalty. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine as provided for in Section 1-13 of this Code.

16-2-10. Bonds. Before any license shall be issued, the applicant shall file with the city clerk a bond running to the City in the sum of \$1,000.00 executed by the applicant, as principal and two sureties upon which service of process may be made in the state. Such bond shall be conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against the applicant for any violation of the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him/her by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time or making the sale or through any advertisement of any character whatsoever, printed or calculated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Ordinance 10-C4, amended June 21, 2010)