

CHAPTER 6

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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- 4-6-1: **DEFINITIONS:** For the purpose of this Chapter, the following words, as used herein, shall be construed to have the meanings herein ascribed thereto:

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale within the Village who does not maintain in the State an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted; provided, however, this term shall not include any person who delivers tangible personal property within the Village who is fulfilling an order for such property which was solicited or placed by mail or other means. It shall be prime facie evidence that a person is an “itinerant vendor” if the person does not transact business from a fixed location or if the person does not own, or lease for a term of at least six (6) months, the property from which business is conducted.

PEDDLING: Selling or offering for sale, barter or exchange at retail any goods, wares, merchandise or services of any kind whatsoever by traveling from place to place along the streets of the Village or from

residence to residence therein, but shall not include solicitation or canvassing for future delivery.

“Peddling” may, in some instances, include the activities of an “itinerant vendor” or “transient merchant”, as defined herein. If a peddler is also an “itinerant vendor” or “transient merchant”, as defined herein, then those provisions shall also be applicable. To the extent that the provisions of the Chapter relative to “peddling” are inconsistent with those relating to “itinerant vendors” and/or “transient merchants”, the more restrictive provisions shall apply.

REGISTERED
SOLICITOR AND
REGISTERED PEDDLER:

Means and includes any person who has obtained a valid certificate of registration as herein provided, where such certificate is in the possession of, and on the person of, the one soliciting or peddling during all soliciting or peddling.

REGISTERED
TRANSIENT MERCHANT
AND ITINERANT
VENDOR:

Any person who is a “transient merchant” or “itinerant vendor” as defined herein and who has obtained and has in his possession a valid certificate of registration.

RESIDENCE:

Means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING:

Means and includes any one or more of the following activities:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind, character or description whatever, for any kind of consideration whatever, all for future delivery; provided, however, that seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication shall not be deemed to be soliciting, and such activities are not regulated by this Chapter.

B. 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.

**TRANSIENT
MERCHANT:**

Any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the Village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot; provided, however, this term does not include any person selling goods, wares or merchandise which are raised, produced or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established Village market, to any person operating a store or refreshment stand at an resort, or to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides. It shall be prima facie evidence that a person is a “transient merchant” if the person does not transact business from a fixed location or if the person does not own, or lease for term of at least six (6) months, the property from which business is conducted. (2002 Code)

4-6-2: **CERTIFICATE OF REGISTRATION**

- A. Certificate Required: A written application for a certificate of registration as herein provided shall be secured by every person desiring to engage in “soliciting” or “peddling”, as herein defined, from persons in residences within the Village and, in addition, by every person desiring to engage in soliciting from any business, office or manufacturing facility within the Village for gifts or contributions of money, clothing or other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project.

B. Application for Certificate:

1. Application Form; Oath: Application for a certificate of registration shall be made upon a form provided by and filed with the Village Clerk. The applicant shall state, under oath, such information requested on the application form as is required by the provisions of this Chapter and such other relevant information as determined by the Village Clerk.
2. Fingerprints and Photographs: The Village Clerk shall require every applicant to submit to fingerprinting in connection with the application for certificate, and the applicant will submit to identification photographing conducted by the Village Clerk, and such identification photograph shall be affixed to the certificate of registration
3. Criminal History: Each applicant shall also apply to the office of the Police Chief for a certified copy of his or her personal criminal history, and such applicant shall provide such information and fees to the Police Chief as required by the Police Chief to obtain such certified copy, and the applicant shall further request that the Police Chief also directly provide to the Village for review by the President a certified copy of the applicant's personal criminal history prior to the approval of such certificate for such applicant.

C. Prohibited Registrants; Exceptions: No certificate of registration shall be issued: 1) to anyone seeking to solicit for a charitable or nonprofit association, organization, corporation or project, unless such charity or nonprofit group is specifically approved in advance by the Village Board of Trustees which may waive requirement of individual registration and fees if a list of names and addresses of individuals to be involved are supplied to the Village Clerk; or 2) to any person who has been convicted of the commission of felony under the laws of the State of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; or 3) to any person who has been convicted of a violation of any of the provisions of this Chapter or to any person whose certificate of registration issued hereunder has previously been revoked as herein provided, unless specifically approved by the Village Board of Trustees.

D. Fees:

1. Fees Established: A fee shall be paid at the time of filing the application, as follows:

| <u>Certificate Requested</u> | <u>Fee</u> |
|--|------------|
| One day | \$5.00 |
| More than one day and not more than one week | \$25.00 |
| More than one week | \$50.00 |

2. Waiver of Fees: The President may waive such fee in his or her discretion, but all fee waivers shall be reported to the Village Board of Trustees.

E. Issuance or Denial of Certificate; Contents:

1. Denial: The President, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required. Endorsement shall be made by the President upon the application of the denial of the application.
 2. Issuance: When the applicant is found to be fully qualified, the certificate of registration shall be issued by the President or his or her designees.
 3. Time Limit for Action: All applications shall be acted upon by the President within seven (7) days after receipt of a completed date thereof.
 4. Contents: Each certificate of registration shall state the expiration date thereof.
- F. Revocation of Certificate: Any certificate of registration issued hereunder may be revoked by the President if the holder of the certificate is convicted of a violation of any of the provisions of this Chapter, or has made false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the President to the holder of the certificate in person or by certified U.S. mail addressed to his or her address set forth in the application. Immediately upon the giving of such notice of revocation, the certificate of registration shall become null and void.

- G. Records Kept: The Village Clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and date pertaining thereto and of all certificates of registration issued under the provisions of this Chapter, and of the denial of applications. Applications for certificates 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. (2002 Code)

4-6-3: **NOTICE REGULATING PEDDLERS AND SOLICITORS**

- A. Notice Requirements: The owner or occupant of any residence who desires to forbid trespasses by solicitors or peddlers, or unlicensed solicitors or peddlers, may attach or exhibit upon or near the main front door, and the main rear or side door (if any and if to be protected), a card or plaque stating such of the following as may be appropriate, in letters at least one-third inch (1/3") in height:

SOLICITORS AND PEDDLERS NOT INVITED

or

*SOLICITORS AND PEDDLERS NOT INVITED
UNLESS REGSITERED WITH THE VILLAGE*

- B. Nonexclusive Notice Provided by Village: For the convenience of residents of the Village and for purposes of uniformity, cards, or plaques containing the foregoing legend shall be made available by the Village. The form of card or plaque provided for in this section shall be deemed to be an exclusive form of notice. Such card or plaque so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (2002 Code)

4-6-4: **DUTIES OF SOLICITORS AND PEDDLERS:**

- A. It shall be unlawful for any person to enter upon any property of another in the Village after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the property of another after receiving notice from the owner or occupant to depart.

- B. A person shall be deemed to have received notice from the owner or occupant within the meaning of this Chapter if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted at the main entrance to said property or the forbidden part thereof.
- C. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (2002 Code)

4-6-5: **UNINVITED SOLICITING OR PEDDLING:**

- A. Uninvited Soliciting or Peddling Prohibited: Any person soliciting or peddling who is forbidden entry by notice given in compliance with this Chapter shall be deemed guilty of remaining on the property after receiving notice to depart, if he shall remain on the property, or if he shall ring the doorbell or knock or create any sound calculated to attract the attention of the occupant.
- B. Exemptions: Notices exhibited pursuant to this Chapter shall not be deemed applicable to and shall not prevent access to residential property by a solicitor or peddler who has received prior invitation, written or oral, from the owner or occupant thereof. (2002 Code)

- 4-6-6: **TIME LIMIT ON SOLICITING AND PEDDLING:** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell 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 occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in “soliciting” as herein defined prior to nine o’clock (9:00) A.M. of after nine o’clock (9:00) P.M. (2002 Code)

4-6-7: **VIOLATION; PENALTIES:**

- A. Violation; Penalty: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this Chapter or of failing to comply with any requirement hereof, or of violating any permit, any approval, or any directive issued under the provisions of this Chapter, shall be punishable as provided in Section 1-4-1 of this Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

- B. Reimbursement of Costs: Any person, firm or corporation who shall be found guilty by a court of competent jurisdiction of violating any provision of this Chapter or of failing to comply with any requirement hereof, or of violating any certificate, any approval, or any directive issued under the provisions of this Chapter, shall, addition to the fines provided, be obligated to reimburse the Village for its attorney fees, court costs, court reporter costs, and expert witness fees, and all other out-of-pocket costs incurred by the Village in the prosecution of the said violation or violations.
- C. Injunctive Relief: The Village may make application to the Circuit Court for an injunction requiring conformance with this Chapter or make such other order as the Court deems necessary to secure compliance with the Chapter.

4-6-8: **CONSTITUTIONAL RIGHTS**: Nothing in this Chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the Constitutions of this State or the United States. (2002 Code)