

Chapter 5.20 - PEDDLERS, HAWKERS AND SOLICITORS

Sections:*Footnotes:*

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State Law reference— For statutory provisions authorizing any municipality to license, tax, regulate or prohibit peddlers and hawkers, see Ill. Rev. Stat. 1973 Ch. 24 § 11-42-5; for provisions concerning state regulation of itinerant merchants, see Ill. Rev. Stat. 1973 Ch. 121 1/2 § 158 et seq.

5.20.010 - License—Required.

Except as otherwise provided no person shall engage in any of the following activities without first procuring a license therefor as provided in this chapter:

- A. Hawking or peddling to or among dealers or consumers, goods, services or other things of value;
- B. Solicitation in person or by telephone for sales of merchandise or other items of value, either tangible or intangible, by appeal to individual consumers or users, or potential consumers or users of goods or services.

(Ord. 425-A §1).

5.20.020 - Exemptions.

This chapter shall not be construed to apply to or prohibit any farmer, fruit or vine grower or gardener from selling the products of his farm, orchard, vineyard or garden, in any place or market in the city where such articles are usually sold; provided, such person does not obstruct the public streets, alleys or other public property and otherwise conforms with all ordinances and regulations pertaining to such activity or to those taking orders for goods shipped in interstate commerce.

(Ord. 536 §1, 1975; Ord. 425-A §2).

5.20.030 - Private dwelling—Annoying persons.

No peddler, hawker or sales solicitor shall enter any private dwelling in the city without being admitted into the same, nor shall he insist upon showing or selling tangible or intangible goods or services to any person therein after being told by the occupant that the occupant does not wish to purchase the same; nor shall a peddler, hawker or solicitor of sales otherwise vex or annoy any person.

(Ord. 425-A §3).

5.20.040 - Transient merchants and itinerant vendors—license required.

- A. As used in this chapter, "Transient merchant" means any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the city and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind or vacant lot. However, this act does not apply to 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 city or village market, to any person operating a store or refreshment stand at a resort, to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides, or to any person operating a stand or booth at the Georgetown fairgrounds.
- B. "Itinerant vendor" means any person who transports tangible personal property for retail sale within the city who does not maintain in the city an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this act does not apply to any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means.
- C. "Person" means any individual, corporation, partnership, trust, firm, association or other entity.
- D. No person shall engage in the business of or act as a transient merchant or itinerant vendor within the city without first having obtained a license therefor as set forth in Sections 5.20.050 through 5.20.070.

(Ord. 658, 1987; Ord. 425-A §4).

5.20.050 - License—Application—Issuance.

Application for license shall be made to the city clerk. The application shall state the name, age and address of the applicant. If the applicant is a corporation, the names, titles and addresses of all officers of the corporation shall be listed. The application shall itemize the goods or services to be sold or contracted for; shall set forth the manner of contacting prospective customers; shall set forth the types of prospective customers to be contacted and shall set forth a definite period of time during which the activity shall be carried on. A separate application shall be made for each individual.

Each applicant shall also submit a bond in the amount of five hundred dollars, with sureties satisfactory to the city council. The city clerk shall submit the application and bond to the city council at a regularly convened meeting.

If the application and bond are approved by the city council a license shall be issued by the city clerk. The license shall set forth the days and hours during the day in which sales or solicitations may be made.

(Ord. 425-A §5).

5.20.060 - License—Fee.

The license fee for each license issued shall be fifty dollars per year, with the annual period beginning as of the date that the license is issued.

(Ord. 808 (part), 2004; Ord. 425-A §6).

5.20.070 - License—Display.

The licensee shall have the license in his possession at all times and shall make it available to any official of the city upon request.

(Ord. 425-A §7).

5.20.080 - License—Revocation.

Any license granted under the provisions of this chapter may be removed by the city council on written notice to the licensee whenever it appears that the licensee has violated any provision of this chapter, any other ordinance of the city, or any other statute, ordinance, rule or regulation of any governmental body pertaining to the subject matter of this chapter.

(Ord. 425-A §8).

5.20.090 - Penalty.

The violation of any provision of this chapter shall be punished as provided in Section 1.16.010. Each sale or solicitation in violation of this chapter is deemed a separate offense.

(Ord. No. 861, § 9, 9-21-09)

Editor's note— Ord. No. 861, § 9, adopted September 21, 2009, repealed the former § 5.20.090, and enacted a new § 5.20.090 as set out herein. The former § 5.20.090 pertained to violation—penalty and derived from Ord. No. 425-A.

Chapter 10.28 - SOLICITING FOR CONTRIBUTIONS

Sections:

10.28.010 - Soliciting for contributions.

No person shall stand on a highway for the purposes of soliciting contributions from any occupant of a vehicle, except under the following restrictions:

A. The soliciting agency shall be:

1. Registered with the Illinois attorney general's office as a charitable organization, as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," approved July 26, 1963, as amended;
2. Engaged in a statewide fund-raising activity; and
3. Liable for any injuries to any person or property during the solicitation which are causally related to an act of ordinary negligence of the soliciting agent.

B. Permits.

1. Any person, group, agency, or entity desiring to engage in street solicitation activities for contributions must first register with the city and obtain a permit from the city clerk for the solicitation activities. As part of the registration, the person, group, agency or entity shall provide the city with proof of general liability insurance which names the city as an additional insured, and covers the solicitation activities.
2. The city shall only issue two permits to the same person, group, agency or entity for the same solicitation/fund-raising event. Each permit shall be valid for two consecutive days. The city may issue rain-day permits. Each rain-day permit shall be valid for one day.
3. The permit obtained from the city shall be available for inspection at the site of the solicitation activities.
4. The chief of police or his designee may suspend or terminate any permit issued by the city upon determining that inclement weather has created a safety risk beyond the risk associated with the solicitation activities themselves. If a permit is suspended or terminated prior to the person, group, agency or entity using fifty-one percent of the hours available for the particular day, the person, group, agency or entity may be eligible for a rain-day permit upon application to the city clerk.

C. Any person engaged in the act of street solicitation shall:

- 1.

Be sixteen years of age or older, as long as an adult of twenty-one years of age or older is providing supervision during solicitation activities at any site involving any person under the age of eighteen;

2. Wear a high visibility vest;
 3. Wear an item or items of clothing that depict which organization they are representing;
and
 4. Use collection canisters which are clearly labeled as to which organization is being represented and is soliciting donations.
- D. Taking into consideration the safety of the solicitors, safety of the motorists, as well as avoiding interference with traffic control devices and the orderly flow of traffic, solicitation activities shall only take place between the hours of nine a.m. and four p.m. from October 1st through April 30th, and between the hours of nine a.m. and five p.m. from May 1st through September 30th, and only at the intersection of Main Street and West Street.
- E. Penalty. Any person, group, agency or entity violating the provisions of this chapter shall be guilty of an ordinance violation and, upon conviction, shall be punished as provided in Section 1.16.010. In addition, any person, group, agency or entity who violates the provisions of this chapter or any other city or state law while acting under a permit issued pursuant to this section, shall have any permit issued terminated and shall be unable to obtain any permits for solicitation activities for the period of three years following the termination.

(Ord. 816, 2004).

(Ord. No. 861, § 52, 9-21-09)