

CHAPTER 4

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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- 2-4-1: **DEFINITIONS:** 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: a) 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 b) distributing a handbill or flyer advertising a non-commercial event or service.

ITINERANT VENDOR OR HAWKER: A person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the Village, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services. A temporary business is one that

continues for forty five (45) days or less, and exists whether solicitation is from a stand, vehicle, or freestanding.

PEDDLER:

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 attempting to sell a good or service. 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".

SOLICITOR:

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: 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. (Ord. 012417B, 4-25-2017)

2-4-2: LICENSE REQUIRED; EXCEPTIONS:

- A. License Required: No person shall act as a peddler, hawker, or solicitor within the corporate Village limits without first obtaining a peddler license in accordance with this chapter. A canvasser is not required to have a peddler license but any canvasser wanting a peddler license for the purpose of reassuring Village residents of the canvasser's good faith shall be issued one upon request.
- B. Exceptions:
 - 1. This chapter shall not apply to a Federal, State, or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

2. This chapter shall not apply to sale under court order, to any bona fide auction sale, to a sale at wholesale to a retail dealer, or to any sale requiring a State dealer's license.

3. No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden occupied and cultivated by themselves.

4. No license shall be required of any person who has an established place of business and with whom the buyer has initiated contact and specifically requested a home visit and/or delivery by said person.

5. No license shall be required of any individual participating in the Village-approved "Trick or Treat" event during the hours designated by the Board of Trustees. (Ord. 012417B, 4-25-2017)

2-4-3: **APPLICATION FOR PEDDLER LICENSE:** Any person or organization (formal or informal) may apply for one (1) or more peddler licenses by completing an application form at the Municipal office during regular office hours. The peddler license shall be issued promptly after application but in all cases within twenty four (24) business hours of completion of an application, unless it is determined within that time that:

- A. The applicant has been convicted of a felony or misdemeanor involving moral turpitude within the past seven (7) years,
- B. With respect to a particular license, the individual for whom a card is requested has been convicted of any felony or misdemeanor involving moral turpitude within the past seven (7) years, or
- C. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect. (Ord. 012417B, 4-25-2017)

2-4-4: **FEE AND VALIDITY:**

- A. The fee for issuance of each peddler license shall be fifty dollars (\$50.00).

1. This fee shall be waived for children participating in fundraising for any church, public or private school, Boy Scouts, Girl Scouts, 4-H, FFA, and organizations associated therewith serving citizens residing within the Village of Ashmore.

2. This fee shall be waived for solicitors and canvassers.

- B. A peddler license shall be valid within the meaning of this chapter for a period of thirty (30) days from its date of issuance or the term requested, whichever is less. (Ord. 012417B, 4-25-2017)

2-4-5: **CONTENTS OF APPLICATION:** The applicant (person or organization) shall provide the following information:

- A. Name of applicant.
- B. Number of peddler licenses required.
- C. 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 card (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 Village will take a photograph of each person for which a card is requested.
- D. The permanent and (if any) local address of the applicant.
- E. The permanent and (if any) local address of each person for whom a license is requested.
- F. A brief description of the proposed activity related to this peddler license. (Copies of literature to be distributed may be substituted for this description at the option of the applicant.)
- G. Date of birth for each person for whom a license is requested.
- H. A list of all infraction, offense, misdemeanor, and felony convictions of each person for whom a license is requested for the seven (7) years immediately prior to the application.
- I. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a license is requested.

J. For peddlers:

1. The name and permanent address of the business offering the event, activity, good, or service (i.e., the peddler's principal).

2. A copy of the principal's Sales Tax license as issued by the State of Illinois, provided that no copy of a license shall be required of any entity which appears on the Village's report of Sales Tax payors as provided by the Illinois Department of Revenue.

3. The location where books and records are kept of sales which occur within the Village and which are available for Village inspection to determine that all Municipal Sales Taxes have been paid.

K. For solicitors:

1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.

2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for information.

L. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc. (Ord. 012417B, 4-25-2017)

2-4-6: **REVOCATION OF LICENSE:**

A. Grounds: Any license issued hereunder may be revoked if the license holder is convicted of a violation of any provisions of this chapter or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a license under the terms of this chapter.

B. Notice: If the issuing officer denies (or upon completion of an investigation revokes) the peddler license to one (1) or more persons, he 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.

- C. Appeal; Hearing: The licensee shall have ten (10) days from the date of revocation or denial in which to file notice of his appeal to the Village Board of Trustees. The applicant shall have at his option an appeal of the denial of his application before the Village Board at its next regular meeting. After holding the hearing on the revocation or denial, the Village Board of Trustees shall by majority vote either sustain the action or issue an order reinstating the license.
- D. Staying Of Order: In the event of the filing of an appeal from a revocation issued under the provisions of this chapter, then, until such appeal has been determined by the Village Board of Trustees such revocation order shall be stayed. (Ord. 012417B, 4-25-2017)

2-4-7: **DISPLAY OF PEDDLER LICENSE:** Each peddler license 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 or otherwise displayed, so as to be reasonably visible to any person who might be approached by said person. (Ord. 012417B, 4-25-2017)

2-4-8: **DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS:** 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:

- A. No handbill or flyer shall be left at or attached to any sign, utility pole, or other structure within the public right-of-way. Law enforcement and Village employees are authorized to remove any handbill or flyer found within the right-of-way.
- B. 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.
- C. No handbill or flyer shall be left at, or attached to any of the property having a "no solicitor" sign.
- D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to law enforcement or Village employees, either by producing a peddler license or other form of identification. (Ord. 012417B, 4-25-2017)

2-4-9: **GENERAL PROHIBITIONS:** No peddler, hawker, solicitor, or canvasser shall:

- A. 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 inches (2") in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers, hawkers, and canvassers.
- B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way 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.
- C. 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.
- D. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
- E. Enter upon the property of another except between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. Monday through Saturday. Peddling, hawking, soliciting, and canvassing are also prohibited on all Sundays as well as the six (6) major Federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day).
- F. The above prohibitions shall not apply when the peddler, hawker, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.
- G. Solicit for a purpose other than that set out in the application upon which the peddler license was issued. (Ord. 012417B, 4-25-2017)

2-4-10: **VIOLATION:** Any person violating any part of this chapter or failing to observe any provision of this chapter shall be

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deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00). Every day the violation continues shall be deemed as a separate offense. (Ord. 012417B, 4-25-2017)