

CHAPTER 7

PEDDLERS AND SOLICITORS

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6-7-1: DEFINITIONS:

- (A) **PEDDLER:** Any person or persons engaged in the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this municipality or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, 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 solicitation of orders by sample where the goods are not to be delivered at the time the order is taken.
- (B) **SOLICITOR:** Any person or persons engaged in seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever or, seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or, seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

6-7-2: GENERAL PROHIBITION:

- (A) No person shall stand on a highway for the purposes of soliciting contributions from the occupant of any vehicle except on Vine Street within the Village limits of the Village of Arthur, on such portion thereof as is authorized by license issued by the Village of Arthur.
- (B) No person shall peddle any goods, wares, merchandise or other article either on foot, with motor vehicle, or wagon, or from an enclosed stand, in any residential areas within the corporate limits of the Village of Arthur, without having obtained from the Village, a license to do so.
- (C) No person shall solicit door-to-door in residential areas in the Village of Arthur, without first obtaining a license from the Village of Arthur.
- (D) It shall be unlawful for a peddler or solicitor to enter any private dwelling without being admitted, or to insist upon the showing or sale of his goods or wares to any person after being requested not to do so, or to annoy any person by importunities to purchase, or to obstruct any sidewalk or street by the opening of his goods or wares.

6-7-3: EXEMPTIONS: There shall be no license required for the door-to-door soliciting or peddling of articles, wares, or merchandise from a person or persons representing local religious institutions, bona fide not-for-profit organizations duly licensed and incorporated under the laws of the State of Illinois, local school affiliated fundraisers, political parties or candidates, persons representing companies or organizations engaged in polling the public, small business opportunities started and run by youth of the community, or for any farmer, fruit or vine grower or gardener engaged in selling their produce.

6-7-4: APPLICATION REQUIREMENTS:

- (A) An application for a Peddler and Solicitors License shall be made upon a form provided by the Village of Arthur Police Department. Each, individual applicant shall truthfully state in full, the information requested on the application to-wit:

Name, address, telephone number, age, date of birth, physical description, social security number, drivers' license or photo id card number and state, Company name, for which employed, Company address and telephone number, Illinois Retailer's Occupation Tax Number, year, make and model of any vehicles to be used along with the license number and state, names of the most previous three (3) communities where applicant has last worked, items to be sold or solicited, period of time license is sought, proposed method of operation, a statement regarding convictions for felony offenses under the laws of the State of Illinois or any other state or federal law of the United States, the date of the application and the applicant's signature and affirmation regarding the truthfulness of the information provided.

- (B) Every person or organization wishing to obtain a license for the purpose of soliciting contributions on the street, as set forth under Section 6-7-2(A) of this Ordinance, shall make application to the Village Clerk stating that the soliciting agency is:
1. Registered with the Attorney General 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 therefore", 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 is casually related to an act of ordinary negligence of the soliciting agent. The agent may be required to furnish proof of insurance covering the soliciting activity.
 4. The application shall indicate the times and days that the solicitation shall occur, and the license shall be issued for only such times and days as are listed and approved by the Village of Arthur.

5. Any person engaged in the act of street solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.
- (C) The Arthur Police Department shall conduct a background investigation with regard to the application for the Peddler and Solicitor License, 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 the State of Illinois or any other state or federal law of the United States, nor to any person convicted of a violation of any of the provisions of this article, nor to any person who does not have an Illinois Retailer's Occupation Tax number. The Police Department shall have up to 72 hours to complete the investigation and either issue or deny the license.
- (D) If the applicant meets all the qualifications for a Peddler or Solicitor License, the Arthur Police Department shall issue the license. If the applicant does not meet all of the qualifications, the license shall be denied and 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 Chief of Police shall cause to be kept in his offices, 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.

6-7-5: LICENSE TERMS AND FEES:

- (A) The fees charged for a Street Solicitors License shall be as follows:
None.
- (B) The fees charged for a Peddler and Solicitor License shall be as follows:
1. Single day License: \$25.00 (twenty-five dollars) per applicant.
 2. One week License: \$125.00 (one hundred twenty-five dollars) per applicant.
 3. Annual License: \$250.00 (two hundred fifty dollars) per applicant.

- (C) It is hereby declared to be unlawful for any person to peddle or solicit before 9:00 A.M. or after 6:00 P.M. on Monday through Saturday or at any time on Sunday or on a State or national holiday.
- (D) Hours for Street Solicitation shall be set on a case by case basis, to be determined by the Chief of Police.
- (E) Any license issued under the provisions of this article may be revoked by the Village President or any Police Officer of the Village 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 Village to revoke a license may be appealed to the Village of Arthur Board of Trustees.

6-7-6: PENALTIES: Any person convicted of violating any provisions of this Chapter shall be fined at least fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00). Any person convicted of more than one (1) time for violating this Chapter shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each subsequent violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.