

Chapter 5.20 - PEDDLERS, HAWKERS AND SOLICITORS

*Footnotes:**--- (5) ---*

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. Applicants shall provide all information as requested on the application form provided by the city clerk. All statements made by the applicant upon the application and in connection therewith shall be under oath. A separate application shall be made for each individual.

The city shall require every applicant or individual who will be engaged in solicitation activities on behalf of the applicant within the city to submit to a fingerprint background check through the Illinois State Police. The city shall provide the applicant with contact information for approved fingerprint vendors, along with requirements for submission of the fingerprints to the Illinois State Police.

The results of the Illinois State Police background check shall be submitted to the city by the applicant along with their application.

Each applicant shall, along with their application, submit a bond in the amount of five hundred dollars (\$500.00) 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 for approval.

Only after all fees have been paid and the fingerprint background check reports have been reviewed and approved by the city council will the clerk issue the license, which shall indicate the dates and times approved for sales or solicitations.

(Ord. 425-A §5).

(Ord. No. 2024-146, § 3, 7-1-24)

5.20.060 - License—Fee.

Upon making an application for a license, the applicant shall pay a non-refundable application fee in the amount of fifty dollars (\$50.00) per person, per day engaged in the solicitation activities, as specified in the application.

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

(Ord. No. 2024-146, § 4, 7-1-24)

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.