

Village of Ina

Ordinance NO. 15-04

AN ORDINANCE GOVERNING AND REGULATING THE ACTIVITIES OF
PEDDLERS

WHEREAS, the President and Board of Trustees of the Village of Ina, Illinois, have determined it is necessary to govern and regulate the activities of peddlers;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF INA, ILLINOIS, AS FOLLOWS:

- I. **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license thereof.

- II. **DEFINITIONS.** Peddle shall mean the selling, bartering or exchange or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of this Village or from house to house, whether at a 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 an exhibit his items. Nor shall "peddle" be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

- III. **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Chief of Police and providing the following information:
 - a. Name, date of birth and physical description of applicant. A state issued driver's license or identification card to verify identifiers will be provided to verify identifiers.
 - b. Permanent home and address and local address if operating from such an address.
 - c. A brief description of the business and of the goods to be sold.
 - d. Name and address of employer, if any.
 - e. The length of time for which the right to do business is desired.
 - f. Evidence that the agent is acting on behalf of the corporation he/she represents.

- g. Statement of the applicant's criminal record other than traffic record.
- h. The last three (3) municipalities where the applicant carried on business immediately preceding the date of application to this Village and the address from which such business was conducted in those municipalities.

IV. **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the Chief of Police shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

V. **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this ordinance or not, to engage in peddling as herein defined prior to 10:00 am or after 5:00 pm on any day of the week, including Saturday, on at any time on a Sunday or on a State or National holiday.

VI. **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this Village, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his/her application for a license.

VII. **UNWANTED PEDDLING.**

- a. Nothing contained in this ordinance, or the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employee are directed to depart from said private residence by the owner or person in charge thereof.
- b. Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:
 - 1. Notice of the determination by the occupant of giving invitation to the peddlers or the refusal of invitation to peddlers to any residence shall be given in the manner provided in paragraph (B) of this Section.
 - 2. A card/paper, at least three inches by five inches (3" x 5") in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and the containing the applicable words, as follows:

"ONLY REGISTERED PEDDLERS INVITED"

OR

"NO PEDDLERS INVITED"

3. The letters shall be at least one-third (1/3) inch in height.
4. Such notice so exhibited shall constitute sufficient notice to any peddler of the determination by the occupant of the residence of the information contained hereon.

VIII. **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Village by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this ordinance.

IX. **DUTY OF POLICE TO ABATE.** The police department of this Village is hereby directed to suppress the same and to abate any such nuisance as described in paragraph VIII of this ordinance.

X. **LOCAL BUSINESSES AND FARMER EXCLUDED.** The provisions of this Ordinance shall not apply to persons employed or representing an established merchant, business firm or corporation located and regularly doing business in the Village or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Village or any duly licensed.

XI. **FEES.** The license fees per person to be charged for licenses to peddle in this Village, each payable in advance, are hereby fixed and established as follows:

- a. Daily License: \$25.00 per person per day
- b. Annual License: \$1000.00 per person per year

XII. **Penalty.** Whosoever violates or fails to comply with any of the provision of this ordinance shall be guilty of an offense and fined not less than one hundred dollars(\$100.00) nor more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for each day during or on which a violation occurs or continues.

This Ordinance shall be in full force and effect upon and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Ina, Illinois on this 6th day of April, 2015.

APPROVED by the President of the Board of Trustees of the Village of Ina, Illinois this 6th day of April, 2015.

APPROVED: Andy Hutchens
President

ATTEST: Mary Beth Bowers
Clerk