

CHAPTER 5

BUSINESS CODE

ARTICLE I - RESERVED

ARTICLE II - SOLICITORS

5-2-1 DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meaning herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid Certificate of Registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any one or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever, or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or;

(D) 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.

5-2-2 CERTIFICATE OF REGISTRATION. Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for six months or longer shall be exempt from the provisions of this Chapter.

5-2-3 APPLICATION FOR CERTIFICATE OF REGISTRATION. Application for a Certificate of registration shall be made upon a form provided by the Village Clerk of this municipality and filed with such Clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place residence and length of residence at such address; also business address if other than residence address; also Social Security Number.

(B) Address of place of residence during the past three years if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past three years if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Code, if any.

(J) Has a Certificate of registration issued to the applicant under this Code ever been revoked.

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the Code of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever 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.

(M) Also, such additional information as the Village Clerk may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Village Clerk shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter, and of the denial of applications. Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued, and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration 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, within five years of the date of application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

5-2-4 ISSUANCE AND REVOCATION OF CERTIFICATE. The Village Clerk, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Village Clerk upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the village if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Village Clerk to the holder of the Certificate in person or by certified U.S. mail, addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

The Chief of Police or the Mayor shall have three days to

process the application for a solicitor's license.

5-2-5 VILLAGE POLICY ON SOLICITING. It is declared to be the policy of this municipality that the occupant or occupants of the residences in this municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

5-2-6 NOTICE REGULATING SOLICITING. 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:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence, shall be in the manner following:

(B) A weather-proof card, approximately 3" x 4" in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant, containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

5-2-7 DUTY OF SOLICITORS. It is the duty of every solicitor, upon going onto any premises in the municipality upon which a residence as herein defined is located, to first examine the notice provided for in Section 7-2-6 of this Article if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY REGISTERED SOLICITORS INVITED" then the solicitor not possessing a valid Certificate of registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states, "NO SOLICITING INVITED," then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

5-2-8 UNINVITED SOLICITING PROHIBITED. It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 5-1-6 of this Article.

5-2-9 TIME LIMIT ON SOLICITING. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 AM or after 4:00 PM of any weekday or at any time on a Sunday or on a State or National Holiday.

5-2-10 SOLICITATIONS ON PUBLIC HIGHWAYS. Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "An Act or regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act or ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least 16 years of age and shall wear a high visibility vest.

5-1-11 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee which shall be:

(A) For a daily license, the fee shall be the sum of \$10.00 per person.

(B) For an annual license, the fee shall be \$30.00 per person.

(Ill. Rev. Stat., Ch. 24; 11-5-2)

ARTICLE III - PEDDLERS

5-3-1 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 therefor.

5-3-2 DEFINITION.

"PEDDLE" shall mean 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 the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

5-3-3 APPLICATIONS. A person desiring a license may obtain the same by making application with the Village Clerk and providing the following information.

- (A) Name and physical description of the applicant.
- (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 the 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 represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last three municipalities where the applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities.

5-3-4 INVESTIGATION OF APPLICANTS. Upon receipt of each application, it shall be referred to the Mayor, who shall see that the business and moral character of the applicant is investigated. If the facts show the applicant unfit to receive the license, then it shall be denied. The Village shall have three days to process the application.

5-3-5 HOURS. It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered

under this Code or not to engage in peddling as herein defined prior to 9:00 AM or after 4:00 PM of any weekday or at any time on a Sunday or on a State or National Holiday.

5-3-6 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 municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

5-3-7 PHOTOGRAPHS. Two photographs of the applicant and such of its employees as will be used in the peddling or merchandising, taken within 60 days, immediately prior to the filing of the application which pictures shall be 2" x 2" showing the head and shoulders of the applicant or its agents and/or employees in a clear and distinguishing manner.

5-3-8 UNWANTED PEDDLING. Nothing contained in this Chapter, nor 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 employees are directed to depart from said private residence by the owner or person in charge thereof.

5-3-9 PEDDLERS AS NUISANCE. The practice of going in and upon private residences, business establishments or offices in the Village by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, business establishments, or offices for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as a violation of this Code.

5-3-10 DUTY OF MAYOR TO ABATE. The Mayor of the Village or his designated representative is hereby required and directed to suppress any such nuisance and to abate the same as described in Section 7-2-9.

5-3-11 PEDDLERS NOT NUISANCE. The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Village nor to farmers selling any food items raised or produced by themselves, and/or to permanently established residents who are voters in the Village or anyone duly licensed.

5-3-12 FEES. The license fees per person to be charged for licenses to peddle in the Village, each payable in advance, are hereby fixed and established as follows:

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|--------------|---------|
| (A) Per day | \$10.00 |
| (B) Per year | \$30.00 |

ARTICLE IV - JUNK DEALERS

5-4-1 DEFINITIONS.

(A) The term "junk" as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass and empty bottles of different kinds or sizes wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than ninety (90) days, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one (1) or more of the materials or articles herein mentioned.

(B) The term "junk dealer" as used in this Code shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

(C) The term "junk yard" as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this section defined as "junk" (See Also Ch. 24, Article IV and Ch. 15, Articles I and III

5-4-2 JUNK DEALERS are prohibited from conducting a junk business in the Village. Junk dealer as defined by this Article IV of these ordinances are prohibited from conducting a junk business in the Village limits of Mt. Auburn.