

Chapter 32

HAWKERS, PEDDLERS, TRANSIENT MERCHANTS AND SOLICITORS

5-32-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

HAWKER AND PEDDLER: Shall include all persons and entities, both as principal and agent, who go about the village from place to place, carrying goods, wares and merchandise with them for the purpose of vending, selling, disposing of or delivering the same to any person or entity, or obtaining orders from samples, catalogs, lists, etc.

SOLICITOR: Shall include any individual engaged or employed specifically for the purpose of soliciting or importuning or entreating for the purchase of goods, wares, merchandise or services of any kind, character or description, or for the purpose of canvassing for such orders or services shall be deemed a solicitor.

TRANSIENT MERCHANT: Shall include all persons or entities, both as principal and agent, who engage in, do or transact any temporary and transient business in this village, either in one location, or by moving from place to place in the village selling goods, wares and merchandise.

Provided, however, that nothing in this section contained shall be held to include any sale conducted pursuant to statute or by order of any court, or to any person conducting a bona fide auction sale who is, at the time of conducting such sale, duly licensed as an auctioneer. (Ord. 2015-14, 10-1-2015)

5-32-2: LICENSE REQUIRED:

(A) Unless otherwise required or permitted by law, it shall be unlawful for any transient merchant, hawker or peddler to vend, sell or dispose of, or to offer to vend, sell or dispose of any goods, wares, merchandise, bakery products, produce or vegetables, or to peddle and distribute circulars, cards, bills, and other advertising matter about the streets, avenues, alleys or at any place whatsoever within the village without first having obtained a license from the office of the village clerk for that purpose and having paid the license fee therefor as provided for hereinafter.

- (B) It shall be unlawful for any person to go in or upon any private residence, apartment or premises of any kind in the village for the purpose of soliciting from the occupants thereof, or to canvass for orders for goods, wares, merchandise or services of any character or description, or services to any such occupants, to induce or invite such orders without having first applied for and received from the office of the village clerk a solicitor's license and having paid the license fee therefor as provided for hereinafter. (Ord. 2015-14, 10-1-2015)

5-32-3: APPLICATION FOR LICENSE:

Every person who desires a license as required by this chapter shall make application therefor in writing to the office of the village clerk, setting forth in the application form provided by the office of the village clerk the following information:

- (A) Name And Address: The name and present address of the applicant and if applicable, the name and address of the entity by whom the applicant is employed and which the applicant represents, and if the address of the applicant, firm or corporation has changed within the five (5) years just previous to application, all such addresses of the applicant and entity for the past five (5) year period;
- (B) Employment: The nature and length of the employment of the applicant with the entity being represented by the applicant;
- (C) Type Of Business: Whether the applicant desires to be licensed as a solicitor, peddler, hawker, or transient merchant, and the nature or character of the goods, wares, merchandise or services to be offered or promoted by the applicant. If applicant desires a license as a peddler, hawker, or transient merchant, the applicant shall also state whether the applicant will deal or conduct business from a vehicle, wagon, pushcart or handcart or from a basket or other receptacle carried by the applicant or an assistant who shall not otherwise engage in said business;
- (D) Convictions: Whether or not the applicant has ever been convicted of a felony or gross misdemeanor as set forth in the application form;
- (E) Good Moral Character: Such other credentials and other evidence of a good moral character and identity of the applicant as may be reasonably required by the director of police services or his designee.

(F) Identification And Fingerprinting: Upon payment of the current application fee and fingerprint fees, applicants for a license shall personally report to the police department of the village before the issuance of such license for the purpose of identification and to be fingerprinted for purposes of conducting a criminal background check on the applicant.

If the director of police services or his designee determines after reasonable investigation that the applicant is of good moral character and proposes to engage in a lawful and legitimate commercial or professional enterprise, the director of police services shall then recommend to the office of the village clerk that such license be issued and the office of the village clerk shall issue a license upon verification that the applicant has paid all required fees. (Ord. 2015-14, 10-1-2015)

5-32-4: TRANSFERABILITY:

Any license issued under the provisions of this chapter shall not authorize any person except the person named in the license to engage in business thereunder, and such license shall not be transferable or assignable. (Ord. 2015-14, 10-1-2015)

5-32-5: POSSESSION OF LICENSE REQUIRED; PERSONAL BADGES TO BE WORN:

(A) It shall be the duty of every person licensed under this chapter while engaged in such business to possess on his person the license received by him from the office of the village clerk and shall produce the license at the request of any police officer or code enforcement officer of the village, or any person with whom the licensed person is transacting or attempting to transact business. Failure to produce the license upon request shall result in the immediate revocation of the license and the applicant shall cease and desist from all further licensed activities.

(B) Each solicitor shall be issued a badge to be worn on the person in plain sight of any person at all times while engaging in the solicitation activities. (Ord. 2015-14, 10-1-2015)

5-32-6: MAKING LOUD NOISE PROHIBITED:

No person licensed under this chapter shall call attention to his business or to the goods, wares, merchandise or services which he is selling or offering for sale by crying them out, by blowing a horn, by ringing a bell or by any other loud or unusual noise. (Ord. 2015-14, 10-1-2015)

5-32-7: LICENSE PERIOD:

Licenses for peddlers and hawkers shall expire on the April 30 after they are issued. Licenses for transient merchants may be issued for any period not exceeding one hundred twenty (120) days. Licenses of solicitors shall be issued for a period not exceeding thirty (30) days. Any licensee may apply to renew the applicable license so long as the applicant meets current requirements for licensing and has not had a previous license revoked under village ordinance. (Ord. 2015-14, 10-1-2015)

5-32-8: EXISTING LICENSES:

Any license or licenses which have been heretofore issued under any prior ordinance shall remain valid until the expiration of the period for which they were issued. (Ord. 2015-14, 10-1-2015)

5-32-9: HOURS:

All persons licensed under this chapter shall conduct their business only between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. daily. (Ord. 2015-14, 10-1-2015)

5-32-10: OCCUPANT'S CONSENT; NO SOLICITORS:

It shall be unlawful to enter any premises or to remain therein for the purpose of solicitation without the express or implied consent of the occupant of the premises. Solicitors shall depart immediately and peacefully from any premises displaying a "No Solicitors" or similar sign near the main entrance. Solicitors shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 2015-14, 10-1-2015)

5-32-11: VIOLATIONS AND FINES:

Any person violating any section of this chapter shall be fined up to seven hundred fifty dollars (\$750.00) for each occurrence, each day on which a violation occurs constituting a separate offense. Any license issued hereunder shall be revoked by the village president if the holder of the license is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the village president to the holder of the license in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the license shall become null and void. (Ord. 2015-14, 10-1-2015)