

ORDINANCE NO. 2018-12-10-01

AN ORDINANCE OF THE VILLAGE OF SHEFFIELD MUNICIPAL CODE TO PROVIDE  
A DIVISION RELATING TO PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF SHEFFIELD:

SECTION 1: Chapter 12 of the Village Code of the Village of Sheffield is hereby  
amended to add Division 2, which shall read as follows:

**Chapter 12 Public Safety**

**Division 2 Peddlers, Solicitors and Itinerant Merchants**

Article I Peddlers

- 12-2-1: Definition
- 12-2-2: License Required
- 12-2-3: Marking of Vehicles
- 12-2-4: Calling Out, Noise-Making Devices
- 12-2-5: Certain Persons Exempt from Provisions

Article II Solicitors

- 12-2-6: Definition
- 12-2-7: Persons Exempt from Article
- 12-2-8: Compliance with Article Required
- 12-2-9: Requirements as to Orders Taken

Article III Itinerant Merchants

- 12-2-10: Definitions
- 12-2-11: Compliance with Article Required
- 12-2-12: Persons Exempt from Article

Article IV Licensing of Peddler, Solicitors, and Itinerant Merchants

- 12-2-13: License Requirement and Types of Licenses
- 12-2-14: Application
- 12-2-15: Regulations on the Conduct of Licensees
- 12-2-16: Fines and Penalties
- 12-2-17: Appeal Procedure
- 12-2-18: Violation of Other Laws or Regulations
- 12-2-19: Exemptions from Application and License Requirements
- 12-2-20: Festivals and Special Events

## ARTICLE I: PEDDLERS

**12-2-1: DEFINITION:** Any person who sells or offers for sale, barter or exchanges any goods, wares, food items, merchandise or services of any kind (1) while traveling from place to place in, along or upon the streets, alleys or sidewalks of the Village of Sheffield; or (2) from any public place within the Village shall be deemed a "peddler."

**12-2-2: LICENSE REQUIRED:** It shall be unlawful for a person to engage in business as a peddler without first obtaining a license so to do.

**12-2-3: MARKING OF VEHICLES:** Every wagon, cart or other vehicle used by a person licensed or not, shall be conspicuously and permanently marked with the name of such person and with the number of his license.

**12-2-4: CALLING OUT, NOISE-MAKING DEVICES:** No person, whether he has a peddler's license under this Article, in going along the streets, alleys, highways or public places of the Village, shall call out, cry or by any device make any noise or blow any horn, to call attention to the sale of any goods, wares, merchandise or any article or thing whatsoever.

**12-2-5: CERTAIN PERSONS EXEMPT FROM PROVISIONS:** This Article shall not be so construed as to prevent any farmer, fruit or vine grower and gardener from the right to sell the produce of his farm, orchard, vineyard and garden within the Village, in any quantity he may think proper, without obtaining a license therefore; nor shall the same be so construed as to make it a penal offense for children under the age of twelve (12) years to peddle apples or other fruit; provided, that they do not occupy a stand; nor shall it be so construed as to apply to the peddling of newspapers.

## ARTICLE II: SOLICITORS

**12-2-6: DEFINITION:** A "solicitor" is hereby defined to be any person who engages in one or more of the following activities within the Village of Sheffield: (1) seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind; (2) seeking to obtain prospective customers for application or purchases of insurance or financial services of any type, kind or character; (3) seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or (4) seeking to obtain gifts or contributions of money, clothing or any other valuable thing.

**12-2-7: PERSONS EXEMPT FROM ARTICLE:** The provisions of this Article shall not apply to sales made to dealers by commercial travelers, selling agents in the usual course of business or organizations engaged in door-to-door distribution of political campaign literature or religious materials provided that such organizations are not soliciting contributions in any way while distributing such materials.

**12-2-8: COMPLIANCE WITH ARTICLE REQUIRED:** It shall be unlawful for any person to engage in business as a solicitor, as defined in this Article, within the Village until the provisions of this Article have been complied with.

12-2-9: **REQUIREMENTS AS TO ORDERS TAKEN:** All orders taken by solicitors within the Village shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance. One copy of such order shall be given to the purchaser.

### **ARTICLE III: ITINERANT MERCHANTS**

12-2-10: **DEFINITIONS:** The term "itinerant merchant" is hereby defined to be any person engaging temporarily in the retail or wholesale sale of goods, services, wares or merchandise in any place within the Village of Sheffield and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind. For the purposes of this definition, "temporarily" shall mean for a period of time not exceeding one hundred (100) days in a calendar year. A person who is a peddler is not an itinerant merchant. A person operating a store or stand at any fair or special event declared exempt from the provisions of this Chapter by the Village Board of the Village of Sheffield is not an itinerant merchant.

12-2-11: **COMPLIANCE WITH ARTICLE REQUIRED:** It shall be unlawful for any person to engage in business as an itinerant merchant as defined by this Article, within the Village, until the provisions of this Article have been complied with.

12-2-12: **PERSONS EXEMPT FROM ARTICLE:** The provisions of this Article shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business.

### **ARTICLE IV: LICENSING AND OPERATION OF PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS.**

12-2-13: **LICENSE REQUIREMENT AND TYPES OF LICENSES:**

(A) It shall be unlawful for any person to act as a peddler, itinerant merchant or solicitor in the Village of Sheffield, without having first obtained a license therefor as provided herein.

(B) The fee for the license required by this Chapter shall be fifty dollars (\$50.00).

(C) No license issued under this Chapter shall be transferable.

(D) Licenses available to peddlers, itinerant merchants and solicitors shall be valid for a period of thirty (30) days with the option to renew for an additional thirty (30) days for a maximum of six (6) months in a given calendar year, except as otherwise provided.

12-2-14: **APPLICATION:**

(A) Application for licenses required by Section 12-2-13 of this

Chapter shall be made in writing to the Village Clerk or his or her designee and shall state thereon:

- (1) The name and permanent address of the applicant;
- (2) The kind of merchandise or nature of service to be sold or contracted for;
- (3) The proposed area or place where the business is sought to be conducted;
- (4) The proposed hours during which business will be conducted;
- (5) The state sales tax number of the operator;
- (6) A description of the vehicle to be used in the conduct of said business, if any, along with the license plate number of the same;
- (7) Whether the applicant has ever been convicted of the commission of a felony; and
- (8) In the case of a corporation or firm, the name of the corporation or firm, its permanent business address and the names of the principal officers of the same.

In addition, all applicants shall be required to furnish state issued photo identification to the Village Clerk.

(B) Upon receipt of the application, the Chief of Police shall make an investigation of the applicant's business responsibility for the protection of public welfare and safety. The license shall not be issued to an applicant 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 the application nor to any person who has been convicted of the violation of any provisions of this Chapter, nor to any person whose license issued hereunder had previously been revoked as herein provided. The Chief of Police shall approve or deny the application within thirty days of receipt of the application. The Village of Sheffield shall inform the applicant of approval or denial.

(C) Upon the approval of the Chief of Police, the Village Clerk shall issue the requested license and shall cause the same to be delivered to the applicant. Licenses issued hereunder shall state the expiration date thereof.

#### **12-2-15: REGULATIONS ON THE CONDUCT OF LICENSEES:**

(A) Any person receiving a license hereunder shall prominently display said license on his or her person at all times when engaged in business in the Village.

(B) Every vehicle or conveyance used by a person licensed hereunder shall be conspicuously marked with the name of the license holder or his or her employer. This provision shall apply to peddlers only.

(C) It shall be unlawful to engage in soliciting or peddling prior to 9:00a.m. or after 5:00p.m.

(D) It shall be unlawful for itinerant merchants to conduct their business upon public streets, alleys or other public locations in the Village unless a specific location has been approved in advance by the Village Board of the Village of Sheffield.

(E) It shall be unlawful to engage in solicitation on any premise in which the owner or occupant has displayed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors" "No Advertisement" or any similar notice indicating that the owner or occupant of such premises do not desire to have their right of privacy disturbed

(F) It shall be unlawful to post, deposit, throw, place, scatter any materials of solicitation in public areas, on vehicles or on vacant properties. This provision does not prohibit handing or transmitting materials to drivers of vehicles who are willing to accept the same.

(G) Any person licensed pursuant to this Chapter shall display his or her license upon the demand of any police officer or upon the request of any person whose premises he or she seeks to enter.

(H) Any peddler, solicitor or itinerant merchant who refuses to leave premises after being asked to do so by the owner or occupant of such premises shall be deemed in violation of this section and shall be subject to the revocation of his or her permit and may be subject to fines, penalties and/or a ban from receiving a future license.

#### 12-2-16: FINES AND PENALTIES:

(A) Upon the violation of any of the provisions on this Division, a ticket may be written charging the violation of this ordinance and reciting the following penalties:

(1) A first offense shall be punishable with a fine not to

exceed one hundred fifty dollars (\$150.00).

- (2) A second offense shall be punishable with a fine not to exceed five hundred dollars (\$500.00).
- (3) A third offense and above shall be punishable with a fine not to exceed seven hundred fifty dollars (\$750.00).
- (4) In addition to the monetary penalties listed above, upon a second or subsequent violation, the individual may be banned from peddling or soliciting for a period of up to one (1) year.

**12-2-17: APPEAL PROCEDURE:**

(A) Any person whose application for a license is denied or whose license granted under this Chapter is revoked as provided herein shall have the right to appeal to the Board of Trustees. The appeal shall be taken by filing with the Board of Trustees within fourteen (14) days after notice of the decision has been mailed to such person's last known address a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for hearing. Notice for such hearing shall be mailed to the aggrieved individual at his or her last known address at least ten (10) days prior to the date set for the hearing.

(B) The order of the Board of Trustees after the hearing shall be final.

**12-2-18: VIOLATION OF OTHER LAWS OR REGULATIONS:** Any license holder who violates any ordinance, state statute, federal law or any government agency rule or regulation shall upon notice of such violation immediately cease selling all products or property and on demand by the Village President, surrender his or her license to the Village at which time it shall be considered void.

**12-2-19: EXEMPTIONS FROM APPLICATION AND LICENSE REQUIREMENTS:**

The following shall be exempt from the application and license process ordinarily required by this Chapter:

(A) Prior Invitation. Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.

(B) Farmers. Any person whose principal occupation is that of a farmer who sells products of their own farm, vineyard, orchard or garden.

(C) Garage Sales. Any person who, outside their usual employment, conducts the casual sale of tangible personal property on private property, which sale is advertised by any means whereby the public at large is or can be made aware of said sale; provided, however, that any person conducting a garage sale or similar casual sale more than four times within a twelve month period or more than four consecutive calendar days at any occurrence shall not be exempt from the application and license provisions of this Chapter.

(D) Not-for-Profit Entities. Any government entity, not-for-profit corporation or organization, religious organization or school-related activity.

(E) Local Regular Route-Based Sales. Businesses with a permanent or physical place of business within fifty miles of the Village of Sheffield and who have an established and regular route for delivering retail products to the Village of Sheffield.

(F) Children. Sales by any person under the age of twelve years old.

12-2-20: **FESTIVALS AND SPECIAL EVENTS:** The Village Board may from time to time enact rules and regulations establishing the procedure and requirements for declaring festivals and special events exempt from some or all of the provisions of this Chapter.

**SECTION 2:** If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

**SECTION 3:** This Ordinance shall take effect ten (10) days after publication thereof as provided by law. It is specifically authorized that publication in pamphlet form be allowed as per Illinois law.

**SECTION 4:** All previous ordinances of the Village of Sheffield, except as amended by this Ordinance, shall remain in full force and effect.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Sheffield at a duly held meeting on the 10<sup>th</sup> day of December, 2018.

APPROVED:



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President of the Board of Trustees of  
The Village of Sheffield

ATTEST:

Adriano L. Ruiz  
Village Clerk

AYES: 5

NAYS: 0

ABSENT: 2