



PEDDLERS, SOLICITORS, CANVASSERS or ITINERANT MERCHANTS
APPLICATION (circle one)

Name of applicant: _____

Home address: _____

Date of birth: _____

Driver's license: _____ State: _____

Name, address & phone number of supervisor/manager (attach credentials):

Illinois Tax Identification Number: _____

Description of merchandise to be sold: _____

What advertising do you plan to do? (Attach copies) _____

Have you, or the person you are doing business for, ever been convicted of a crime, misdemeanor, or violation of a municipal ordinance? **YES/NO** (circle one) If so, state the nature of the offense and the punishment assessed.

A violation of a **NO SOLICITORS** sign or a violation of any City ordinance will result in the loss of all fees and refunds plus could result in a fine or imprisonment or both.

I hereby affirm that all answers given are true and correct to the best of my knowledge. I also hereby give my consent to the Rochelle Police Department to investigate my background and report their findings to the City of Rochelle using the information I have given.

Applicant's Signature _____

Office Use:	License/Permit Fee:	\$25.00 for 5 days	_____
	Surety Bond Required:	\$1000.00 (applicant provided)	_____
	Badge:	\$15.00 for 5 days	_____
	Fingerprints:	\$50.00 per year	_____
	Ogle County Food Permit (if required)		_____

Badge number: _____ Expiration date: _____

Police Department: _____ City Clerk's office: _____

Chapter 70

PEDDLERS, SOLICITORS, CANVASSERS AND INTINERANT MERCHANTS

ARTICLE II. PEDDLERS AND INTINERANT MERCHANTS

DIVISION 1. GENERALLY

Sec. 70-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting any goods, wares or merchandise, offering and exposing the same for sale, barter or exchange, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells, offers for sale, barter or exchanges the same from a wagon, automotive vehicle or other vehicle or conveyance; provided that one who solicits orders and as separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city and who, in the furtherance of such purpose, hires, leases, uses or occupies any building or other structure, public rooms in hotels, lodginghouses, apartments or a shop or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this article merely be reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Ord. No. 07-3538,4-9 2007)

Sec. 70-32. Badge.

The city clerk shall issue to each licensee under this article at the time of the delivery of his license a badge bearing the words "licensed vendor." Such badge shall be worn by the licensee on the front of his outer garment in such a way as to be conspicuous during the time such licensee is engaged in the conduct of the business so licensed.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-33. Bond.

Before any license as provided for in this article shall be issued, the applicant therefor shall file with the city clerk a bond running to the city in the sum of \$1,000.00, executed by a surety company, conditioned that the applicant shall comply with all the provisions of this Code, other city ordinances and the statutes of the state regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against such applicant for any violation of this Code or the ordinances or statutes, or any of them, together with all judgements and cost that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with the applicant, whether such representation or deception was made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought by any person.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-34. Prohibited acts; penalty.

If any person licensed under the provisions of this article is found guilty of any fraud, cheating, misrepresentation or imposition while engaged in peddling; or peddles any other kind of goods, wares, merchandise or articles or uses in peddling any other mode of conveyance than specified in the license; or employs more persons than specified in the license to engage in such peddling enterprise; or, at any time, peddles with more than one vehicle of the kind specified in the license, such person shall, upon conviction, be subject to punishment as provided in section 1-15 of this Code.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-35. Reporting of complaints and violations to city clerk.

The chief of police shall report to the city clerk any complaints against any person licensed under the provisions of this article and any conviction for a violation of this article.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-36. Record of licenses, complaints and violations.

The city clerk shall keep a record of all licenses issued under this article and of complaints and violations reported as provided in section 70-35.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-37. Days and hours of operation.

No person licensed under the provisions of this article shall operate on Sundays or holidays. A licensee shall not call at residences before 9:00 a.m. or after 7:00 p.m., except at the prior invitation or request of the occupant. Monday through Sunday outdoor sales may be conducted between the hours of 9:00 a.m. and 9:00 p.m.

(Ord. No. 07-3538, 4-9-2007)

DIVISION 2. LICENSE

Sec. 70-61. Required.

It is unlawful for any person, whether for himself or as agent for another, to engage in the calling, pursuit or business of a hawker, peddler, itinerant merchant or vendor of merchandise, or to sell, hawk, peddle, barter, exchange or deal in any goods, wares, merchandise or articles as a hawker, peddler or itinerant merchant or vendor, without first obtaining a permit and license therefor as provided in this article.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-62. Exemptions.

No license shall be required under this article from local merchants or dealers; nor itinerant merchants, in connection with sales of goods, wares or merchandise from their established places of business in the city; nor from commercial travelers employed by wholesale houses in selling merchandise to such local merchants; nor for the sale and delivery of milk or milk products.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-63. Application; fee.

Before any license shall be issued under this article, the fee therefor as fixed in the license schedule in section 26-44 shall be paid to the city clerk and an application, in writing, in duplicate, on a form to be furnished by the city clerk, shall be made for such license by the person desiring same. Such application shall give the following information:

- (1) Name and address of the applicant;
- (2) The name and address of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the name and address of the person on whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;
- (3) The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that such business shall be conducted;
- (4) If a transient or itinerant merchant, the place, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (5) A brief description of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale and where the goods or property to be sold are located at the time the application is filed;
- (6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers; and, if required by the city clerk, copies of all such advertising, whether by handbill, circular, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto;
- (7) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative, and the applicant's State of Illinois sales tax number;
- (8) Whether or not the person having the management or supervision of the applicant's business, or the applicant, has been convicted of a crime, misdemeanor, or violation of any municipal ordinance within the prior 48 months, and the nature of such offense and the punishment assessed therefor;
- (9) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police or the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-64. Photographed and fingerprints required.

At the time application is made for a permit or license under this article, the applicant shall furnish to the police department his fingerprints and two photographs of himself, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be one inch by one and one-half inches in size, showing the head and shoulders of applicant in a clear and distinguishing manner.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-65. Investigation; issuance.

(a) Upon receipt of the application, photographs and fingerprints as required by this article, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public, and shall endorse on such application his approval or disapproval thereof.

(b) If approved, the chief of police, after having so endorsed the application, shall execute a permit showing a photograph of the permittee, addressed to the applicant for the carrying on of the business applied for, and return such permit along with the application to the city clerk who shall, upon payment of the prescribed license fee and the filing of the bond required by section 70-33, deliver to the applicant his permit and issue a license.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-66. Contents.

A license issued under this article shall contain the signature and seal of the issuing officer, and shall show the name, address and the class of license issued; the kind of goods to be sold thereunder; the amount of fee paid; the date of issuance and the length of time the same shall be operative; the mode of conveyance, whether by vehicle or pack; and the number of persons who may be engaged in the enterprise.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-67. Revocation.

Any such license may be revoked by the mayor or the chief of police because of any violation of this article or of any ordinance of the city, or of any state or federal law, or whenever the license shall cease to possess the qualifications and character required in this article for the license.

(Ord. No. 07-3538, 4-9-2007)

Sec70-68. Duration.

All licenses issued under the provisions of the article shall not extend beyond five days.

(Ord. No.3538, 4-9-2007)

Sec. 70-69. Carrying and exhibition.

Licenses issued under the provisions of this article must be carried at all times by the licensee and exhibited, on demand, to an officer of the city.

(Ord. No. 3538, 4-9-2007)

Sec. 70-70. Transfer.

Licenses, permits and badges issued pursuant to this article shall not be assigned or transferred, nor shall they, or any of them, be used by any person other than the person to whom they were issued.

(Ord. No. 07-3538, 4-9-2007)

ARTICLE III. SOLICITORS AND CANVASSERS

DIVISON I. GENERALLY

Sec. 70-91. Entering posted premises.

It is unlawful to enter in and upon private residences or businesses in the city by solicitors and canvassers if a sign has been posted prohibiting such entry, for the purposes of soliciting the sale of goods, wares, food, and merchandise.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-92. Days and hours of operation.

No solicitor or canvasser shall operate under the registration issued under this article on Sundays or holidays. The solicitor or canvasser shall not call at residences before 9:00 a.m. or after 7:00 p.m., except at the prior invitation or request of the occupant.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-93. Exceptions.

The provisions of this article shall not apply to officers or employees of the city, county, state, or federal government, or to any subdivision thereof, when on official business, or to persons engaged in soliciting for charitable or religious organizations.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-94. Penalty.

Any person violating any provision of this article shall be subject to punishment as provided in section 1-15 of this Code.

(Ord. No. 07-3538, 4-9-2007)

Secs. 70-95 —70-120. Reserved.

DIVISION 2. REGISTRATIOIN

Sec. 70-121. Required.

It is unlawful for any person to engage in business as a canvasser or solicitor, calling at residences without the previous consent of the occupant for the purposes of soliciting orders, sales, subscriptions, or business of any kind or seeking information or donations without first having registered in the office of the city clerk. The registrant shall give his complete identification, his signature, the named of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the city.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-122. Fee.

Before any person shall be registered under this article, the fee therefor as fixed in the license, permit or registration schedule in section 26-44 shall be paid to the city clerk and an application, in writing, in duplicate, on a form to be furnished by the city clerk, shall be made for such registration by the person desiring same. Such application shall give the following information:

- (1) Name and address of the applicant;
- (2) The name and address of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the name and address of the person on whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;
- (3) The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that such business shall be conducted;
- (4) The place, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of such application, conducted any soliciting or canvassing business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (5) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police or the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

Door-to-door soliciting and canvassing shall only be conducted Monday through Saturday from 9:00 a.m. to 7:00 p.m. All door-to-door soliciting and canvassing is prohibited on Sunday.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-123. Certificate.

(a) Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a certificate indicating that he has registered and showing the dates covered by such registration.

(b) Each person shall at all times while soliciting or canvassing in the city carry upon his person the registration certificate, and the same shall be exhibited by such registrant whatever he is required to do so by any police officer or by any person solicited.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-124. Revocation.

Any such registration may be revoked by the mayor or the chief of police because of any violation by the registrant of this article or of any ordinance of the city, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required in this article for the original registration.

(Ord. No. 07-3538, 4-9-2007)