

# Chapter 23

## PEDDLERS

### **3-23-1: DEFINITION:**

The word "peddler" as used herein shall include any person, whether a resident of the village or not, traveling by foot, wagon, automobile, or any other type of conveyance, from place to place, house to house, or street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits and farm produce or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, automobile, or other vehicle or conveyance; and further provided, that one who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter, shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster". (Ord. 2198, 5-23-1977)

### **3-23-2: LICENSE REQUIRED:**

No person shall engage in the business of peddler in the village without having first obtained a license therefore. (Ord. 2198, 5-23-1977)

### **3-23-3: LICENSE FEE:**

The fee for a peddler's license shall be one dollar fifty cents (\$1.50) per day, and a license for one week in advance may be secured. (Ord. 2290, 12-12-1977, eff. 7-1-1978)

### **3-23-4: EXCEPTION:**

No license fee shall be required from any ex-soldier, sailor or marine, nor from any farmer peddling or selling the produce of his own farm, nor from any other person from whom the village is prohibited, by state or federal law, from requiring a license fee.

However, all persons herein excepted must register with the police chief each day they engage in peddling or selling in the village. (Ord. 2198, 5-23-1977)

### **3-23-5: APPLICATION FOR PERMIT:**

Application for a peddler's license shall be made in writing to the police chief on forms provided by the village collector.

The application shall contain the following information:

- (A) The name and address and length of time it has been operating, of the business intended to be operated.
- (B) The kind of article or merchandise offered for sale.
- (C) The name, current and permanent address of the peddler.

- (D) The number of vehicles if any, intended to be operated.
- (E) The method or methods to be used in conducting the peddling.
- (F) The dates and times when such peddling is to be conducted.
- (G) The date or approximate date, of the latest previous application for a license under this chapter, if any.
- (H) A statement as to whether or not a license previously issued to this applicant or organization under this chapter has ever been revoked.
- (I) A statement as to whether or not the applicant or organization or other of the organization's members has ever been convicted of a violation of any provision of this chapter or the ordinance of any other Illinois municipality regulating peddling.
- (J) A statement as to whether or not the applicant or organization or the organization's members has ever been convicted of a felony under the laws of the state of Illinois or any other state or federal laws of the United States.
- (K) A statement that, if a license is granted, it will not be used, or represented in any way as an endorsement by the village or any department or official thereof. (Ord. 2198, 5-23-1977)
- (L) Mobile ice cream vendors must submit a copy of their current valid DuPage County mobile vending permit. (Ord. 4155, 6-27-1994)
- (M) Such other information as the police chief may request. (Ord. 2198, 5-23-1977)

**3-23-6: PERMIT ISSUED:**

The police chief shall issue the permit requested if he has reason to believe that:

- (A) The statements in the application are true,
- (B) The peddling will be conducted as described in the application,
- (C) Neither the applicant(s) nor organization for which the applicant(s) propose(s) to peddle have engaged in any fraudulent practices,
- (D) Neither the applicant(s) nor organization for which the applicant(s) propose(s) to peddle have been convicted of a violation of any provision of this chapter or the ordinance of any other Illinois municipality regulating peddling, and
- (E) Neither the applicant(s) nor organization for which applicant(s) propose(s) to peddle have ever been convicted of a felony under the laws of the state of Illinois or any other state or federal laws of the United States; Otherwise the license shall be denied.

The license shall consist of a copy of the application signed by the police chief as approved. Each person peddling under the application shall carry a copy of the approved application. However, a separate application shall be required for each separate period for which the peddling is made. (Ord. 2198, 5-23-1977)

**3-23-7: UNLAWFUL TRESPASS, MISREPRESENTATION:**

It is hereby declared to be the policy of the president and board of trustees of the village that the occupant or occupants of the residences in the village shall make the determination of whether peddlers shall be, or shall not be, invited to their respective residences. (Ord. 2198, 5-23-1977)

- (A) Every person desiring to secure the protection intended to be provided by this chapter shall give notice of his determination to refuse to invite peddlers to the residence by exhibiting a weatherproof card, decal or sign, not less than three inches by four inches (3" x 4") in size, upon or near the main entrance, point of approach or entry to the residence, containing the words "No Peddlers or Solicitors Invited", the letters of which shall be at least one-third inch ( $\frac{1}{3}$ " ) in height, and, for the purpose of uniformity, cards shall be provided by the police department to persons requesting them at the cost thereof. Such card, decal or sign so exhibited shall constitute sufficient notice to any peddler that he is prohibited from trespassing upon the premises. (Ord. 3829, 4-22-1991)
- (B) It is hereby declared to be unlawful, and shall constitute a trespass, for any person to go upon any premises and ring the doorbell, 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 peddling, in defiance of the notice exhibited at the residence, in accordance with the provisions of this chapter.
- (C) It shall be unlawful for any person engaged in peddling to use sales or other tactics based on force, threat of force, intimidation or psychological pressure; to knowingly misrepresent himself or herself or their product to any village officer, or potential or actual customer, or to make or cause to be made any contract, order form or instrument of indebtedness without full knowledge of the customer. (Ord. 2198, 5-23-1977)

### **3-23-8: REVOCATION, SUSPENSION OF LICENSE:**

Any license issued under this chapter may be suspended or revoked by the police chief if he has reason to believe that the license holder, the license holder's organization or other members of license holder's organization have violated any provisions of this chapter or any other provisions of any ordinance of the village, or any section of this code, or any statute, rule or regulation of any other governmental agency.

Upon receiving a complaint or other notification alleging that a violation has occurred the police chief shall fix a date and time for a hearing and shall notify license holder or license holder's organization either verbally or in writing of the charge. At the hearing the police chief shall hear such evidence bearing upon the question as may be presented by the complainant and the license holder. Based upon the evidence taken at such hearing the police chief shall make a determination as to whether or not the license shall be suspended or revoked and shall cause his decision to be carried out. (Ord. 2198, 5-23-1977)

### **3-23-9: HOURS OF OPERATION:**

No peddling shall be permitted within the village before the hour of nine o'clock (9:00) A.M. or after the hour of eight o'clock (8:00) P.M., and no peddling shall be conducted on Sundays except that licensed mobile ice cream vendors shall be permitted to peddle within the village on Sundays between the hours of nine o'clock (9:00) A.M. and eight o'clock (8:00) P.M. (Ord. 4155, 6-27-1994)

### **3-23-10: SIGNS AT VILLAGE LIMITS:**

The public works director is hereby directed to post appropriate signs at the limits of the village with the following language:

*PEDDLERS MUST BE LICENSED AND REGISTERED. APPLY AT GLEN ELLYN MUNICIPAL BUILDING, 535 DUANE STREET. (Ord. 2198, 5-23-1977)*

### **3-23-11: PENALTY, CONFLICTING ORDINANCES:**

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500.00) for each such offense.

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed. (Ord. 2198, 5-23-1977)

### **3-23-12: VALIDITY OF CHAPTER:**

If any section, subsection, paragraph or part of this chapter is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. (Ord. 2198, 5-23-1977)

### **3-23-13: UNLAWFUL PEDDLING:**

It shall be unlawful for any person to stand on or within any street located within the corporate limits of the village for the purpose of engaging in the business of peddling with the occupant of any vehicle. (Ord. 2442, 3-26-1979)

### **3-23-14: ADDITIONAL CONDITIONS:**

Sales by a peddler within the village shall be subject to the following additional conditions:

- (A) Vehicles must be operated in a manner as not to interfere with traffic.
- (B) The sale of products is to be made from the right curb side of the vehicle and only when legally parked.
- (C) Sale of products to any person standing on the roadway is prohibited.
- (D) The use of electronic sound amplification equipment is prohibited.
- (E) Peddling within one thousand feet (1,000') of any grade school, junior high school or high school within the village is prohibited while the school is in session, thirty (30) minutes before assemblage or within thirty (30) minutes of dismissal.
- (F) Mobile ice cream peddling is prohibited at all times on the streets listed in section [9-5-17](#), "Schedule Q; Peddling Prohibited At All Times", of this code. (Ord. 4155, 6-27-1994)