

ORDINANCE NO. 2008-674

AN ORDINANCE ON THE REGULATION OF PEDDLERS

BE IT ORDAINED by the President and Board of Trustees of the Village of Yates Village as follows:

SECTION 1: The general regulation and licensing of door to door salesperson and peddlers is in the best interests of the residents of the Village of Yates Village.

SECTION 2: The following terms, conditions, definitions, regulations and penalty provisions are hereby adopted:

Definition and Exceptions

A. Any person who goes from one residential unit to another on the streets or alleys of the Village, and who shall offer for sale or exchange any merchandise, other chattels, or services is hereby defined and declared to be a peddler, unless specifically excluded by subsection B of this Section.

B. The following persons are excluded from the provisions of subsection A hereof:

- (1) Any person dealing in garden or agricultural produce raised by such person.
- (2) Any salesman who has established customers to whom periodic deliveries are made and who makes calls upon prospective customers in that salesman's regular service area.
- (3) Any person representing a nonprofit civic, charitable, school, cultural, or recreational organization.
- (4) Any person who has been requested or invited to premises by a prospective purchaser who resides on the premises.

I - License Required and Fees

A. It shall be unlawful for any person or other entity to engage in business within the Village as a peddler without first having obtained a license.

B. Any one person or other entity engaging in business within the Village as a peddler employs or otherwise includes more than one person engaging in such business, each individual peddler is required to have a license.

C. The license shall be worn in a conspicuous place on the person of each peddler while so engaged in business.

- D. For each license required, the following fees shall be paid:
 - (1) Ten dollars (\$10.00) for the issuance of the license, plus Two dollars (\$2.00) per day for each day the license is in effect, for licenses issued for a period not in excess of ten (10) days; or
 - (2) Ten dollars (\$10.00) for the issuance of the license, plus Fifty dollars (\$50.00), for licenses issued for a period in excess of ten (10) days and but not to exceed one (1) year.

II - Application for License; Issuance, Expiration

A. An application for each license shall be made to the Village Clerk, on forms prescribed by the corporate authorities, which shall specify the following information:

- (1) Name of individual peddler.
- (2) Description and license plate registration number of each vehicle intended to be used by the peddler.
- (3) The type and kind of the merchandise, other chattels, or services to be peddled.
- (4) The permanent residence address of the peddler.
- (5) The permanent residence or business address of the peddler's employer, if any.
- (6) The local residence address, if any, of the peddler.

B. Each applicant shall also exhibit two (2) valid means of identification to the Village Clerk.

C. Within two (2) business days of the making of the application, the Village Clerk shall issue the license, if all of the requirements herein have been met.

D. Each license issued shall state on its face the date on which it expires.

III - Prohibited Activity, Revocation of License

A. It shall be unlawful for any peddler to conduct business at any residential unit earlier than 9:00 a.m. or later than 5:00 p.m.

B. It shall be unlawful for any peddler to attempt to sell or sell any merchandise, other chattel, or service other than those specified in the peddler's application for a license, or to make any material misrepresentation concerning the merchandise, other chattel, or service, or to engage in any fraudulent conduct.

C. It shall be unlawful for any peddler to refuse to leave the premises of any residential unit, after having been requested by the owner or other occupant to leave.

D. In the event that the premises of any residential unit are posted against solicitation by means of a notice prominently displayed, upon which is printed "No Solicitors" it shall be unlawful to engage in business as a peddler on such premises. For the purpose of this Section, a residential unit shall be deemed to be posted against peddlers if there is exhibited on or near the main entrance to the premises, or on or near the main door to any residential unit located on the premises, a sign at least three inches by four inches in size.

E. Any unlawful act described in subsections A, B, C, or D of this Section is cause for revocation of any or all licenses issued to that person.

F. Revocation of any license may be effected by, and at the sole discretion of, the Mayor for any reason, including without limitation the violation of this Ordinance.

IV - Penalty

A. Any person violating any provision of this Chapter shall be fined not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day a violation occurs or during which a violation continues.

B. The imposition of a penalty by fine as provided by subsection A hereof does not prevent the revocation of any license for any offense which is also cause for the penalty.

SECTION 3: This Ordinance shall become effective 10 days after passage and approval by the Board of Trustees and the President.

PASSED: By the Village Board of Yates City, Knox County, Illinois, this 15th of October, 2008, by a vote as follows:

[Y] Gibson
[Y] Miars

[Y] Grubb
[Y] Blodgett

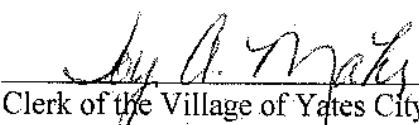
[Y] Bitner
[Y] Hess

AB-Abstain

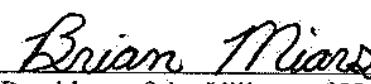
Y-Yes

A-Absent

N-No


Clerk of the Village of Yates City

APPROVED: By the President this 15th day of October, 2008.


President of the Village of Yates City

CERTIFICATE OF CLERK

STATE OF ILLINOIS)
COUNTY OF KNOX) ss.
VILLAGE OF YATES CITY)

I, Joy Mahr, DO HEREBY CERTIFY that I am the Clerk of the Village of Yates, Knox County, Illinois and that the foregoing is a true and correct copy of a Ordinance duly passed by the President and Board of Trustees of the Village of Yates City, Knox County, Illinois, being entitled "ORDINANCE NO. 2008-674" at a regular meeting held on the 15th day of October, 2008.

I further DO HEREBY CERTIFY that I am the duly appointed, qualified and acting Clerk of the Village of Yates City, Knox County, Illinois, and that as such Clerk I am the keeper of the resolutions and ordinances and records of the Village of Yates City and that the original of the attached Ordinance is now on file in my office.

IN WITNESS WHEREOF, I have hereby set my hand and the official seal of the Village of Yates City, Knox County, Illinois, this 15th day of October, 2008.

by A. Mahr
Clerk of the Village of Yates City

(SEAL)

ADOPTED BY THE VILLAGE OF YATES CITY

Published in pamphlet form by the authority of the Board of Trustees of the Village of Yates City, Knox County, Illinois, on this 16th day of October, 2008.

STATE OF ILLINOIS)
COUNTY OF KNOX) ss.
VILLAGE OF YATES CITY)

CERTIFICATE OF CLERK

I, Joy Mahr, DO HEREBY CERTIFY that I am the duly elected, or appointed, and acting municipal clerk of the Village of Yates City, Knox County, Illinois and that an Ordinance was duly passed by the President and Board of Trustees of the Village of Yates City, Knox County, Illinois, being entitled "ORDINANCE NO. 2008-674" at a regular meeting held on the 15th day of October, 2008.

I further DO HEREBY CERTIFY that the aforesaid Ordinance provided that it should be published in pamphlet form, and that the pamphlet form of Ordinance No. 2008-674, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted outside in the case used for Village of Yates City announcements on the building where Yates City Village Meetings are held, commencing on October 16, 2008, and continuing for at least 10 days thereafter. Copies of the Ordinance were also available for public inspection upon request from the Village Clerk.

IN WITNESS WHEREOF, I have hereby set my hand and the official seal of the Village of Yates City, Knox County, Illinois, this 16th day of July, 2008.

by A. Mahr
Clerk of the Village of Yates City
Knox County, Illinois

(SEAL)