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## Geneseo, IL Code of Ordinances

**CHAPTER 113: SOLICITORS, HAWKERS, AND PEDDLERS**

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**§ 113.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**HAWKER.** A hawker is a solicitor who seeks to sell or obtain orders for property, as set forth in this section, who conducts his or her business from one or more specified locations specifically advertised or held out for the purpose of the business.

**ITINERANT VENDORS.** Any person who transports tangible personal property for retail sale within the city who does not maintain in this city an established office, distribution house, in-sales house, warehouse, service center, or residence from which the business is conducted. However, this chapter does not apply to any person who delivers tangible personal property within this city who is fulfilling an order for the property which was solicited or placed by mail or other means.

**PEDDLER.** A solicitor who seeks to sell or obtain orders for property, as set forth in this section, who travels to the location of the prospective customer in order to conduct his or her business.

**REGISTERED SOLICITOR.** Any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**RESIDENCE.** Every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

**SOLICITING.** Any one or more of the following activities:

(1) Seeking to sell or obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatever for any kind of consideration whatever;

(2) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or

(3) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project.

**TRANSIENT MERCHANT.** Any person who is engaged temporarily in the retail sales of goods, wares, or merchandise in the city and who, for the purpose of conducting the business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this does not apply to any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him or her, to any person selling vegetables, fruits, or perishable farm products at any established city market, or to any person operating a stand or booth on or adjacent to property owned by him or her or upon which he or she resides.

(Prior Code, § 5-6-1)

### § 113.02 CERTIFICATE OF REGISTRATION REQUIRED.

It shall be unlawful for any person 18 years of age or older, any firm, or any corporation to engage in soliciting or to engage as a hawker or peddler or itinerant vendor or transient merchant of any merchandise, article, thing, or amusement without first having secured certificates of registration thereof.

(Prior Code, § 5-6-2) Penalty, see § 10.99

### § 113.03 APPLICATION FOR CERTIFICATE OF REGISTRATION.

(A) Application for a certificate of registration shall be made upon a form provided by the municipality. The applicant shall truthfully state in full the information requested on the application, to wit:

(1) Name and address of present place of residence, length of residence at the address, business address if other than present address, and address of the place of residence during the past three years, if other than the present residence;

(2) Age of applicant;

(3) Physical description of the applicant;

(4) Name and address of the person, firm, corporation, or association by whom the applicant is employed or represents, and the length of time of the employment or representation;

(5) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage, and the location or areas in which the solicitation will take place;

(6) Period of time for which the certificate is applied;

(7) The date or approximate date of the latest previous application for certificate under this chapter, if any;

(8) Has a certificate of registration issued to the applicant under this chapter ever been revoked;

(9) Has the applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States;

(10) Sales Tax Identification Number;

(11) Tax Exemption Number (if any); and

(12) Number and kind of vehicles to be used.

(B) Each applicant must submit with the application required certificates and approvals from all county, state and federal regulatory agencies for the products the applicant is seeking to sell or obtain orders for.

(C) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(D) The Police Department shall cause to be kept in its office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, all certificates of registration issued under the provisions of this chapter, and all denials of applications. Applications for certificates shall be numbered in consecutive order, as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued. The Chief of Police shall require every applicant to submit to photographing and fingerprinting by the Police Department in connection with the application for a certificate. The Chief of Police shall collect a fee for the cost of fingerprinting and any photo identification, which fee shall not be more than \$36.50. The background check shall be valid for not more than one year from the time of its receipt.

(E) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States within five years of the date of application, nor to any person who is a registered sex offender in this or any other state, nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

(F) Application for a license under this chapter shall be made in writing to the City Clerk at least ten days prior to the time that the applicant desires to commence such business.

(G) The application under this division shall be accompanied by a bond in the penal sum of \$1,000 to the city, such bond to be executed by good and sufficient sureties to be approved by the City Clerk, and to be conditioned that all goods, wares and merchandise will be as represented, and that the purchase price will be refunded on any article sold which is not as represented and that final delivery of goods ordered will be made in accordance with the terms of such order, and, failing therein, the advance payment on such order will be refunded. Any person aggrieved by the action of any such peddler or itinerant merchant shall have the right of action on the bond for the money paid or damages, or both.

(Prior Code, § 5-6-3) (Ord. O-13-072, passed 2-12-2013; Ord. O-13-085, passed 6-25-2013; Ord. O-14-124, passed 11-11-2014) Penalty, see § 10.99

#### § 113.04 REVOCATION OF CERTIFICATE.

(A) Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate 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 certificate of registration under the terms of this chapter.

(B) Immediately upon the revocation, written notice thereof shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application.

(C) Immediately upon the giving of the notice, the certificate of registration shall become null and void.

(D) The certificate of registration shall state the expiration date thereof.

(Prior Code, § 5-6-4)

#### § 113.05 REGISTRATION FEE.

(A) (1) *In general.* Each solicitor shall pay to the City Clerk a registration fee of \$50 for the first day and \$10 for each day thereafter. The charge for the daily fee may be extended for a set period of days and paid at the time of registration but in no event may a solicitor's permit be issued for a period of greater than 30 days without renewal.

(2) *Exemption to solicitor's license.* A solicitor who represents an agency or business which maintains a physical office, store or service center within the corporate limits of the city for a term of at least 12 months, shall be exempt from the \$10 fee for each day.

(B) Each hawker or peddler shall pay to the City Clerk a registration fee of \$50 per day or for any part of a day as reported in the application.

(Prior Code, § 5-6-6) (Ord. O-14-124, passed 11-11-2014)

#### § 113.06 OCCUPANT NOTICE REGARDING SOLICITING.

(A) Every person desiring to secure the protection provided by the regulations pertaining to soliciting contained in this chapter shall comply with the following directions.

(B) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner following:

(1) A weatherproof card approximately three inches by four inches in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant, containing the applicable words, as follows:

- (a) "Only Solicitors Registered in Geneseo Invited"; or
- (b) "No Solicitors Invited".

(2) The letters shall be at least one-third inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(Prior Code, § 5-6-5)

#### **§ 113.07 UNINVITED SOLICITING PROHIBITED.**

It is hereby declared to be unlawful, and shall constitute a nuisance, for any person to go upon any premises and ring the door bell upon or near any door, or create any sound or motion in any other manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined in defiance of the notice exhibited at the residence in accordance with the provisions of § 113.06.

(Prior Code, § 5-6-8) Penalty, see § 10.99

#### **§ 113.08 DUTY OF SOLICITOR TO OBSERVE OCCUPANT NOTICE.**

(A) It shall be the duty of every solicitor upon going on to any premises in the municipality upon which a residence as herein defined is located to first examine the notice provided for in this chapter, if any is attached, and be governed by the statement contained on any notice. If the notice states "Only Solicitors Registered in Geneseo Invited", then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises and if the notice states "No Solicitors Invited", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Prior Code, § 5-6-7) Penalty, see § 10.99

#### **§ 113.09 HOURS WHEN SOLICITING PERMISSIBLE.**

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon and engage in soliciting as herein defined prior to 9:00 a.m. or after 5:30 p.m. of any week day or at any time on a Saturday, Sunday, or on a state or national holiday.

(Prior Code, § 5-6-9) Penalty, see § 10.99

#### **§ 113.10 RESTRICTION ON PEDDLING IN PUBLIC.**

No hawker or peddler shall ply his or her vocation on any street, sidewalk, park, parkway, or in any other public place or any public right-of-way unless his or her certificate of registration specifies that solicitation in public places is permitted thereunder.

(Prior Code, § 5-6-10) Penalty, see § 10.99

#### **§ 113.11 CREATING HAZARD PROHIBITED.**

(A) No hawker or peddler shall be allowed to ply his or her vocation at any location, whether public or private property, if in so doing he or she causes, or contributes to the causing, of any hazard to the general public including, but not limited to, creation of traffic congestion or the distracting of the operators of motor vehicles from the hazards of the roadway.

(B) (1) Further, no solicitor, hawker, or peddler shall sell, or cause to be sold, any firework of any kind, regardless of whether the firework is permitted by the statutes of the state. This includes, but is not limited to:

- (a) Sparklers;
- (b) Smoke bombs;
- (c) Snake or glow worm pellets;
- (d) Party poppers;
- (e) Booby traps;
- (f) Snappers;
- (g) Trick matches; or
- (h) Cigarette loads.

(2) This shall not include toy pistols, canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used.

(Prior Code, § 5-6-11) Penalty, see § 10.99