

CHAPTER 115: PEDDLERS AND SOLICITORS

Section

- §115.01 Definitions
- §115.02 Village Policy on Soliciting
- §115.03 Notice Regulating All Soliciting and Peddling
- §115.04 Duty of All Solicitors and Peddlers
- §115.05 Uninvited and Unlawful Soliciting
- §115.06 Penalty

§115.01 DEFINITIONS.

In addition to those terms defined in the Illinois Compiled States, for the purposes of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PEDDLER. Every person who shall sell or offer for sale, barter, or exchange any goods, wares, merchandise, fruits, vegetables, or produce by traveling from place to place on, along, or upon the streets, alleys, or sidewalks of the Village or who shall sell and deliver any such items from any wagon, pushcart, automobile, or other vehicle going from place to place or who shall go about from place to place selling and delivering any such items. The term peddler shall mean and include hawkers, itinerant merchants, and transient vendors of merchandise.

PEDDLING: The selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the Village or from house to house, whether at one place or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

PERSON. Includes any individual, corporation, association, partnership or any other legal entity.

SOLICITOR. Any person engaged in any one or more of the following activities:

- (a) Seeking to obtain orders either for immediate or future delivery for the purchase of goods, wares, merchandise, food stuffs, services of any kind, character, or description whatever, for any kind of consideration whatever.
- (b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character.
- (c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and any other type or kind of publication.
- (d) Going upon any premises and ringing the doorbell upon or near any door or creating any sound in any manner calculated to attract the attention of the occupant of such premises for the purpose of engaging in any of the activities described in subsections (a) through (c).

§115.02 VILLAGE POLICY ON SOLICITING.

It is the policy of the Village that the occupants of the residences in this Village shall make the determination of whether solicitors and peddlers shall be, or shall not be, invited to their respective residences.

§115.03 NOTICE REGULATING ALL SOLICITING AND PEDDLING.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting and peddling contained in this Chapter shall comply with the following directions:

If an occupant of a residence wishes to refuse solicitation or peddling, the refusal shall be given by placing a printed sign, upon or near the main entrance door to the residence, indicating the desire to not permit solicitation or peddling at the residence.

The sign is recommended to be approximately 3 inches by 4 inches in size on a weatherproof card with letters to be at least one-third inch in height with the message: "NO SOLICITORS INVITED."

No such sign shall be considered defective because it does not meet the specific directions of this Section so long as a person approaching the residence is reasonably apprised of the occupant's desire to not be approached by solicitors or peddlers. A sign displayed at a residence exclusively for purposes provided by this Section shall be exempt from any Village regulation or requirement concerning signage regulations.

§115.04 DUTY OF ALL SOLICITORS AND PEDDLERS.

- (A) It shall be the duty of every solicitor and peddler going onto any premises in the Village to first examine if a notice, as provided in Section 115.03, is displayed. If such a notice is displayed then the solicitor or peddler shall immediately and peacefully depart the premises and shall not make any effort to engage an occupant in communication.
- (B) Any solicitor or peddler who has gained entrance to any residence, whether invited or not, shall immediately depart from the premises when requested to do so by any occupant.
- (C) No person who engages in solicitation or peddling shall use any plan, scheme, or ruse, or make any statement which indicates that the purpose of the solicitation is other than to obtain orders or to make sales of goods or services.
- (D) No person who engages in solicitation or peddling shall misrepresent the rights of a buyer to rescind or cancel a sale under the provisions of applicable law.
- (E) It shall be the duty of every commercial solicitor and peddler to display the name of the business entity represented by the solicitor or peddler in a way that the occupants may reasonably see the business entity's name when speaking with the solicitor or peddler.

§115.05 UNINVITED AND UNLAWFUL SOLICITING.

It is unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, 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 and engage in soliciting in defiance of a notice exhibited at the residence in accordance with Section 115.03 or to otherwise violate any provision of Section 115.04.

§115.06 PENALTY.

Whoever violates any provision of this Chapter for which another penalty is not specifically provided shall be fined not less than \$25.00 nor more than \$500.00 and shall be liable for the Village's cost of prosecution, including but not limited to attorney's fees, the Village's court costs and other costs and incurred by the Village related thereto. Each day upon which a violation occurs constitutes a separate offense. (Ord. 00-30 passed 9/19/00; Amd. Ord. 14-11 passed 7/21/14, 15-02 passed 3/16/15)

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