

Chapter 18 - PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

Footnotes:

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Cross reference— *Peddling of alcoholic liquor within corporate limits prohibited, § 4-24; licenses, permits and miscellaneous business regulations, Ch. 15; parking of vehicles for sale or peddling prohibited, § 16-126.*

ARTICLE I. - IN GENERAL

Secs. 18-1—18-15. - Reserved.

ARTICLE II. - ITINERANT MERCHANTS

Footnotes:

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State Law reference— *Authority to license, tax, regulate or prohibit peddlers, itinerant merchants and transient vendors, Ill. Rev. Stat. Ch. 24, § 11-42-5.*

Sec. 18-16. - Definition.

For the purpose of this article, an "itinerant merchant" shall mean any merchant engaging in or intending to engage in business as a merchant in the city for a period of time not exceeding one hundred (100) days; provided that, peddlers shall not be considered itinerant merchants.

(Code 1951, § 13-36)

Cross reference— Rules of construction and definitions generally, § 1-2.

Sec. 18-17. - License—Required.

It shall be unlawful to do business in the city as an itinerant merchant without having first secured a license therefor as is provided in this article.

(Code 1951, § 13-36)

Sec. 18-18. - Same—Application.

Every application for a license required by this article shall set forth the commodities to be sold, and the place intended to be occupied or used for the business.

(Code 1951, § 13-37)

Sec. 18-19. - Same—Fees.

The fees for the license required by this article shall be seventy-five dollars (\$75.00) for one month and five dollars (\$5.00) for one day.

(Code 1951, § 13-38)

Secs. 18-20—18-30. - Reserved.

ARTICLE III. - SOLICITORS AND PEDDLERS

DIVISION 1. - GENERALLY

Sec. 18-31. - Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

Peddler. The term "peddler" shall include any person who travels from place to place within the city, by foot or other conveyance, selling for profit or offering for sale any goods, wares or merchandise and rendering immediate delivery thereof.

Registered solicitor. The term "registered solicitor" shall mean and include any person who has obtained a valid certificate of registration as provided in this article, and which certificate is in the possession of the solicitor, on his or her person, while engaged in soliciting.

Residence. "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting. "Soliciting" shall mean and include any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for the kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character;
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- (4) 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.

Solicitor. "Solicitor" shall mean a person engaged in the practice of soliciting.

Cross reference— Rules of construction and definitions generally, § 1-2.

Sec. 18-32. - Policy of the city; when registration is required.

It is hereby declared to be the policy of the city council that the occupants of the residences in the city shall make the determination of whether solicitors and peddlers shall be, invited to their respective residences.

Sec. 18-33. - Notice.

Each person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting and peddling contained in this article, shall comply with the following directions, viz.: Notice of the determination by the occupant of giving invitation to solicitors and peddlers, or the refusal of invitation to solicitors and peddlers, to any residence, shall be given in the following manner:

- (1) A weatherproof card, approximately three (3) inches by four (4) 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:

"ONLY SOLICITORS AND PEDDLERS REGISTERED IN EFFINGHAM INVITED"

or, in the alternative:

"NO SOLICITORS AND PEDDLERS INVITED"

- (2) The letters shall be at least one-third (1/3) inch in height. For the purpose of uniformity, the cards shall be provided by the chief of police to persons requesting them at cost.
- (3) Such card so exhibited shall constitute sufficient notice to any solicitor or peddler of the determination by the occupant of the residence of the information contained thereon.

Sec. 18-34. - Duty to observe notice.

It shall be the duty of every solicitor and peddler, upon going onto any premises in the city upon which a residence is located, to first examine the notice provided for in this division, if any is attached, and be governed by the statement contained on the notice. If the notice states "only solicitors and peddlers registered in Effingham invited," then a solicitor or peddler not possessing a valid certificate of registration issued pursuant to this article shall immediately and peacefully depart from the premises; and if the notice states "no solicitors and peddlers invited," then the solicitor or peddler, whether registered or not, shall immediately and peacefully depart from the premises.

Sec. 18-35. - Failure to observe notice declared unlawful and a nuisance.

It is hereby declared to be 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 a residence, for the purpose of securing an audience with the occupant thereof and engaged in soliciting or peddling in defiance of the notice exhibited at the residence in accordance with the provisions of this division.

Sec. 18-36. - To leave premises when requested.

Any solicitor or peddler 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.

Sec. 18-37. - Hours of operation.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered pursuant to this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon 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 thereof and engage in soliciting or peddling, prior to 9:00 a.m. or after 9:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

Sec. 18-38. - False representations.

Any solicitor or peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a solicitor or peddler in the city or who shall sell, barter or peddle any goods, or merchandise, or wares other than those specified in his application for a certificate of registration shall be subject to punishment as provided in section 1-14 of this Code and the chief of police may revoke his registration for such offense.

(Code 1951, § 13-43)

Sec. 18-39. - Rescission of contracts made in violation of this article.

Any contract entered into between an occupant of a residence in the city, and a solicitor or peddler acting in violation of any of the provisions of this article is hereby declared to be against the public policy of the city, and such contract shall be voidable at the option of the occupant who entered the contract, within sixty (60) days from the date of the execution thereof. The contract shall be voided by the occupant sending a letter to the solicitor or peddler or his principal stating in substance that the contract is voided or cancelled, and identifying the contract generally. No contract shall be voided unless the wares of the solicitor or peddler left with the occupant are returned, unless the contract does not give the address of the solicitor or peddler or his principal.

Sec. 18-40. - Exemption of farmers, dairymen and gardeners.

The article shall not be construed to apply to dairymen, farmers or gardeners selling or offering for sale the products of their dairies, farms, gardens or truck patches.

(Code 1951, § 13-44)

Secs. 18-41—18-50. - Reserved.

DIVISION 2. - CERTIFICATE OF REGISTRATION

Sec. 18-51. - Required.

It shall be unlawful for any person to engage in soliciting or peddling at residences within the city without first having been registered pursuant to this division.

Sec. 18-52. - Application.

- (a) Each person desiring to engage in soliciting from or peddling to persons in residences within the city, is hereby required to make written application for a certificate of registration as provided in this section.
- (b) Application for a certificate of registration required by this division shall be made upon a form provided by the chief of police and filed with the chief. The applicant shall truthfully state in full the information requested on the application, to wit:
 - (1) The applicant's name and address of present place of residence and length of residence at such address, his business address if other than residence address; also his social security number.
 - (2) The applicant's address or place of residence during the past three (3) years, if other than his present address.
 - (3) The age of the applicant and marital status; and, if married, the name of his spouse.
 - (4) A physical description of the applicant.
 - (5) The name and address of the person, firm or corporation or association by whom the applicant is employed or represents; and the length of time of such employment or representation.
 - (6) The name and address of the applicant's employer during the past three (3) years, if other than the present employer.
 - (7) A description, sufficient for identification, of the subject matter of the soliciting or peddling which the applicant will engage in, including a description of any merchandise being sold or for which orders are being solicited.
 - (8) The period of time for which the certificate is applied for.
 - (9) The date, or approximate date, of the latest previous application for certificate under this division, if any.
 - (10) Whether a certificate of registration issued to the applicant under this division has ever been revoked.
 - (11) Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or the ordinance of any other municipality of this state regulating soliciting or peddling.
 - (12) Whether the applicant has ever been convicted of the commission of a felony under the laws of this state or any other state, or a federal law of the United States.
 - (13) Such additional information as the chief of police may deem necessary to process the application.
- (c) All statements made by the applicant upon the application or in connection therewith shall be under oath.

Sec. 18-53. - Fingerprinting.

The chief of police may require each applicant for a certificate of registration under this division to submit to fingerprinting by the police department in connection with the application for certificate.

Sec. 18-54. - Persons ineligible for certificate.

No certificate of registration shall be issued under this division 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 (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose certificate of registration issued pursuant to this division has previously been revoked.

Sec. 18-55. - Denial or issuance of certificate.

The chief of police, after consideration of the application for a certificate of registration pursuant to this division and all information obtained relative thereto, shall deny the application if he determines the applicant does not possess the qualifications for the certificate, and that the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this article. Endorsement shall be made by the chief of police upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Sec. 18-56. - Records.

The chief of police shall cause to be kept in his office an accurate record of each application received and acted upon pursuant to this division, together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this division, and of the denial 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.

Sec. 18-57. - Soliciting or peddling contrary to information provided on application prohibited.

It shall be unlawful for any person to solicit or peddle within the city contrary to the information supplied by the applicant under section 18-52(b)(7) of this article as to the subject matter of solicitation or the merchandise being sold or for which orders are to be solicited.

Sec. 18-58. - Revocation; grounds.

Any certificate of registration issued pursuant to this division 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 article, 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 article. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the certificate in person or by certified U.S. mail addressed to his residence address set forth in the application. Immediately upon the giving of notice of revocation, the certificate of registration shall become null and void.

Sec. 18-59. - Expiration.

The certificate of registration issued pursuant to this division shall expire on the date shown on the face of the certificate.