

**VILLAGE OF DIVERNON
PEDDLER/SOLICITING PERMIT**

- 1.) NONREFUNDABLE APPLICATION FEE: \$25.00
- 2.) \$100.00 EACH DAY
- 3.) EACH SOLICITOR WILL WEAR AN ORANGE NAME TAG, PROVIDED BY THE VILLAGE, FOR IDENTIFICATION PURPOSES

It is required by the Village of Divernon to do a background check on applicant applying for Peddler/Soliciting Permit. By signing this application, you are giving consent for the Village of Divernon to check your criminal history background. Application will be approved/denied within 72 hours.

Applicant Name: _____

Driver's License #: _____

Applicant Address: _____

City: _____ State: _____ Telephone #: _____

Have you been convicted of a crime in the past ten (10) years? ☐ yes ☐ no

The undersigned Clerk of the Village of Divernon does hereby authorize, empower and license the said applicant to engage in peddling or soliciting for:

Name of Business: _____

Address of Business: _____

Business Telephone #: _____

Items being sold: _____

Description of vehicle to be used: Make _____ Model _____

Year: _____ Color: _____ License #: _____ State: _____

The applicant shall observe and obey all ordinances of this Village, which now are, or may be in force, regulating or relating to his/her said business, then this license shall be valid for the period issued: Otherwise, it may be annulled, revoked, forfeited, at the option of the Village President or Chief of Police. By signing this, I understand that if at any time the resident states they are not interested, the solicitor/peddler must leave the property immediately. Also, by signing this, applicant realizes that this permit is for his/her use only.

Applicant's Signature: _____

Permit Issued for: _____ To _____

Village Clerk Signature: _____

THIS PERMIT MUST BE IN YOUR POSSESSION AT ALL TIMES!

PERMIT CAN BE REVOKED AT ANY TIME BY THE MAYOR OR CHIEF OF POLICE (NO FEES RETURNED)

MAIN COMPANY CONTACT NAME: _____

PHONE #: (____) _____

FEIN #: _____ IL SALES TAX #: _____

FEE TO BE PAID.....#.....TOTAL DUE.....DATE PAID THROUGH

| | | | |
|------------------------|-------|----------|-------|
| Per day.....\$100.00 | _____ | \$ _____ | _____ |
| Per week.....\$500.00 | _____ | \$ _____ | _____ |
| Per month.....\$750.00 | _____ | \$ _____ | _____ |

ATTENTION

YOUR HOURS OF OPERATION WILL BE 10:00 A.M. UNTIL 6:00 P.M. MONDAY THROUGH FRIDAY.

(NO PEDDLING ALLOWED ON SATURDAY AND SUNDAY)

CHAPTER 4

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

SECTION:

- 3-4-1: Definitions
- 3-4-2: License Required; Food And Health Regulations
- 3-4-3: Application Of Provisions
- 3-4-4: Application For License, Contents, Fee
- 3-4-5: Investigation Of Applicant
- 3-4-6: License Fee
- 3-4-7: Applicant To File Sales Tax Returns
- 3-4-8: License Expiration
- 3-4-9: Solicitation; Approval By Village Office Manager
- 3-4-10: Obstruction Of Traffic Prohibited
- 3-4-11: Exhibiting License
- 3-4-12: Revocation Or Suspension Of License
- 3-4-13: Appeals

3-4-1: **DEFINITIONS:**

PEDDLER: Any person who travels within the village or has a temporary location in the village for the conduct of business and who has no permanent place of business in the village, but offers or exposes for sale goods, wares or merchandise, or who makes sales and delivers articles to purchasers.

SOLICITOR: Any person who travels within the village, or has a temporary location for the conduct of business, who solicits or takes or attempts to take orders for sale or purchase of goods, wares or merchandise, including magazines, books, periodicals, real or personal property of any nature whatsoever for future delivery or for services to be performed or for the donation of

money or financial assistance, whether or not such individual has, carries or exposes for sale a sample of the subject of such order or whether or not he is collecting advance payment on such orders. Such definition includes, but is not limited to, any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, hotel room, lodging house, apartment, shop or other place within the village for the primary purpose of exhibiting samples and taking orders for future delivery.

TRANSIENT
MERCHANT:

Includes any person, firm or corporation, whether as owner, agent or consignee, who engages in a temporary business of selling and delivering goods, wares, property, services and merchandise within the village, and who, in furtherance of said purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, hotel, motel or lodging house room, apartment, shop, street, alley or other place within the village, for the exhibition or sale of such goods, wares, services and merchandise, either privately or at public auction. The person, firm or corporation so engaged is not relieved from complying with the provisions of this chapter by reason of associating temporarily with any local dealer, trader, merchant or auctioneer; provided, however, that if all sales made by such person, firm or corporation of goods, wares, merchandise or services shall be reported for sales tax collection purposes as made by such local dealer, trader, merchant or auctioneer, and all monies derived from such sales shall be collected by such local dealer, trader, merchant or auctioneer, then such transient merchant shall be exempt from the provisions of this chapter. Only one such transient business shall be allowed to associate temporarily with any local dealer, trader, merchant or auctioneer as a part of or in the name of any local dealer,

trader, merchant or auctioneer at any one time. A resident of the village conducting a yard sale shall not be considered to be a transient merchant until he has conducted such sale for a total of four (4) days within one calendar year. After conduct of such sale for four (4) days in anyone calendar year, the person conducting said sale shall be considered to be a transient merchant. (1997 Code)

3-4-2: LICENSE REQUIRED; FOOD AND HEALTH REGULATIONS:

- A. License Required; Exceptions: It is unlawful for any peddler, solicitor or transient merchant to engage in any such businesses within the village without first obtaining a license therefor in compliance with the provisions of this chapter; provided, however, the village board of trustees, by resolution, may exempt from licensing peddlers, solicitors or transient merchants selling at locations approved in said resolution during an event declared to be of village-wide interest; but, provided further, that the sponsor of such exempted event shall file with the village clerk prior to such event a list of the names, social security numbers and addresses of any participating peddler, solicitor or transient merchant, along with a copy of a current sales tax license.
- B. Compliance Required: All peddlers, solicitors or transient merchants shall comply with all applicable state food and health rules and regulations. (1997 Code)

3-4-3: APPLICATION OF PROVISIONS: The terms of this chapter do not apply to persons engaged wholly in selling personal property at wholesale to dealers in such articles, nor to the acts of merchants having a permanent place of business in the village or their employees in delivering goods in the regular course of business, nor shall it include the following professions or businesses: newspersons, any public utility and its employees franchised to do business within the village, auto salespersons, and any dissemination of information without solicitation of money or other consideration. Nothing contained in this chapter prohibits any sales required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law. (1997 Code)

3-4-4: **APPLICATION FOR LICENSE, CONTENTS, FEE:** Applicants for a license under this chapter shall file with the police department a sworn application in writing on a form to be furnished by the police department which shall give the following information:

A. Required Information:

1. Name, proof of identity, photograph and social security number of applicant.
2. Complete permanent business, home and local address of the applicant, and in the case of the transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the business and the goods to be sold by such applicant.
4. If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
5. The length of time for which the right to do business is desired.
6. The source of supply of the goods or property proposed to be sold, or orders taken for the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

- B. Application Fee: At the time of filing the application, a nonrefundable fee of twenty five dollars (\$25.00) shall be paid to the village clerk to cover the cost of investigation of the facts stated therein. There shall be no application fee for renewals in the immediately succeeding licensing period. (1997 Code)

3-4-5: **INVESTIGATION OF APPLICANT:**

- A. Referral To Chief Of Police: Upon receipt of such application, it shall be referred to the chief of police, who shall immediately institute such investigation of the applicant's business as he deems necessary for the protection of the public good and shall endorse the application in the manner prescribed in this section within seventy two (72) hours, excluding weekends and holidays, after it has been filed.

- B. Denial Of Application: If, as a result of such investigation, the applicant's business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons for the same, and shall notify the applicant that his application is disapproved and that no license shall be issued.
- C. Payment Of Fee; Issuance Of License: If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, and shall upon payment of the prescribed license fees, deliver to the applicant his license. Such license shall contain the signature of the issuing officer and shall show the name and address of said licensee, the kinds of goods to be sold thereunder, and contain the following wording: "The Village of Divernon, Illinois, does not endorse the products of licensee", the amount of fee paid, the date of issuance and the length of time the same shall be valid, as well as the license number and identifying description of any vehicle used in such licensed business. Each peddler, solicitor or transient merchant shall secure a personal license. The village clerk shall keep a permanent record of all licenses issued hereunder. (1997 Code)

3-4-6: **LICENSE FEE:** Every applicant for a license under the provisions of this chapter shall pay the following fee upon the issuance of the license:

| | |
|-----------------|----------|
| One day license | \$100.00 |
|-----------------|----------|

(1997 Code)

3-4-7: **APPLICANT TO FILE SALES TAX RETURNS:** Every applicant for a license hereunder shall file all required sales tax returns. (1997 Code)

3-4-8: **LICENSE EXPIRATION:** All licenses issued hereunder shall expire at six o'clock (6:00) P.M. of the last day for which the license is issued. (1997 Code)

3-4-9: SOLICITATION; APPROVAL BY VILLAGE OFFICE
MANAGER:

- A. Referral To Village Office Manager (OM): Any person or organization desiring to solicit donations of money or property, including solicitation by selling literature or merchandise from door to door or in any public place within the village, for charitable purposes, shall apply for approval to the village OM who shall within seventy two (72) hours after being contacted by the said person or organization, either approve or disapprove of the solicitation. If the village OM disapproves of the solicitation, he shall state in writing the reason for his disapproval and he shall notify the person or organization of his disapproval and no solicitation shall be allowed.
- B. Approval: If the village OM approves of the solicitation, he shall, within *seventy two* (72) hours after being contacted by said person or organization, state in writing his approval and shall so notify the said person or organization that they may so solicit.
- C. Definition: The term "charitable purposes" shall mean any organization, campaign or project which:
 - 1. Has as its primary purpose the furtherance of science, education, philanthropy, religion, the arts or any political campaign; and
 - 2. Which is not conducted for personal gain; and
 - 3. No portion of the net proceeds of solicitation will inure to the benefit of any individual or shareholder.

Any organization to which contributions are deductible for federal income tax purposes shall conclusively be deemed to be within this definition. (1997 Code)

3-4-10: **OBSTRUCTION OF TRAFFIC PROHIBITED:** It shall be unlawful for any licensee to conduct his business at any location, private or public, in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic. (1997 Code)

3-4-11: **EXHIBITING LICENSE:** All licensees shall be required to exhibit their license at the time of initial introduction to any person in the village for the purpose of negotiating any transaction covered by this chapter. Further, it shall be the duty of the police of the village to

require any person peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, and the person of whom the request is made, to produce his license and to enforce the provisions of this chapter against any person found to be violating the same. (1997 Code)

3-4-12: REVOCATION OR SUSPENSION OF LICENSE:

- A. Causes For Revocation Or Suspension: Licenses issued under the provisions of this chapter may be revoked or suspended by the Police Chief or village OM, after notice and hearing, and for any of the following causes:
 - 1. Fraud, misrepresentation or incorrect statement contained in the application for license, or made in the course of carrying on any business as solicitor, canvasser, peddler, transie t merchant, itinerant merchant or itinerant vendor.
 - 2. Any violation of this chapter.
 - 3. Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice Of Hearing: Notice of the hearing for revocation of a license shall be given by the village OM in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1997 Code)

3-4-13: APPEALS:

- A. Right To Appeal: Any person aggrieved by the action of the village OM or the village OM in the denial of a license, may appeal to the village board of trustees.
- B. Notice Of Appeal: Such appeal shall be taken by filing with the village OM, within fourteen (14) days after the notice of the

action complained of, a written statement setting forth fully the grounds for such appeal.

- C. Notice Of Hearing: The village OM shall forthwith transmit such notice of appeal to the village board of trustees, which board shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided hereinabove for notice of hearing on revocation. (1997 Code)