

CHAPTER 19

ITINERANT MERCHANTS AND TRANSIENT VENDORS

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ARTICLE I. IN GENERAL

Sec. 19 01. License Required.

It shall be unlawful for any person, organization, firm or corporation to engage in or carry on any business, occupation or pursuit thereof, as hereinafter defined in Section 19-2, within the City of Kankakee without first having obtained a license therefore, issued in compliance with the ordinance codified in this chapter, unless exempted herein. (Ord. 92-12, 3-16-92).

Sec. 19-02. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings unless a different meaning is required by context.

Itinerant Merchant. Any person, who engages in a transient or temporary business of selling and delivering goods, wares, or merchandise within the City of Kankakee, and who, in furtherance of such purpose, leases, uses or occupies any temporary structure, motor vehicle, trailer, tent lot, street, alley, sidewalk or any other such place, public or private, within the City of Kankakee for the exhibition and sale of such goods, wares, or merchandise, or for securing orders for future delivery of such goods, wares, or merchandise. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, or merchant; provided however that such person is not required to obtain a license under the provisions of Section 19-3.

Person. Any individual, organization, group, association, partnership, corporation, trust or any combination thereof.

Transient Vendor. See "Itinerant Merchant."

(Code 1965, Sec. 32.08; Amended by Ord. 92-12, 3-16-92)

Sec. 19-03. License - Not Required When.

The standards of conduct, as set forth in Section 19-11, and all other applicable provisions of this chapter relating thereto to itinerant merchants or transient vendors shall apply to all persons engaged in such activity as defined herein. However, the requirement that a license be obtained shall not apply to the following:

- (a) Any person selling fruit, vegetables or other farm products at an organized farmers market,
- (b) Any person selling goods, wares, or merchandise at an organized flea market;
- (c) Any person selling goods, wares, or merchandise at a organized charitable, religious, civic, local or any other not-for-profit organization sponsored event; or,
- (d) Any person conducting what is commonly known as a "garage sale" or "yard sale" at such person's residence.

Sec. 19-04. Place of Business.

No license shall be issued hereunder for any transient or temporary business to be located on property that is classified in a residential district by the City of Kankakee Zoning Ordinance.

Sec. 19-05. Reserved.

ARTICLE II. LICENSE & FEES

Sec. 19-06. Application for License.

Except as provided herein, any itinerant merchant or transient vendor, as defined in Section 19-2, shall prior to engaging therein submit to the City Clerk's Office a written application for a license on a form furnished by such office which shall contain the following information requested on the application:

- (1) The applicants name, current address, telephone number, date of birth and social security number;
- (2) The name, address, and telephone number of the person, firm, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;
- (3) A brief description of the nature of the business in which the applicant is engaged, and the kind of products or services to be sold or rendered;
- (4) The applicant's "Illinois Business Tax Number" as issued by the "Illinois Department of Revenue;"
- (5) The period of time for which the license is requested, which in no event shall extend beyond April 30 of the fiscal year in which the license is issued, and the approximate hours of the day that such function shall be performed;
- (6) The place or places where said business may be carried on, and a written statement, if applicable, from the owner of such place or places authorizing the applicant to conduct said business;
- (7) The date, or approximate date, of the latest previous application for a license, if any, as submitted to the Office of the City Clerk;
- (8) A statement whether a license, under the provisions of this chapter, or any other similar ordinance of the City of Kankakee or any county or municipality, has been revoked, together with the details thereof;
- (9) A statement as to whether the applicant or the person or persons having the management or supervision of the applicant's business have been convicted of any crime, misdemeanor or violation of any municipal regulations together with the details thereof;
- (10) Credentials from the person, firm, corporation or organization for which the applicant proposes to do business and authorizing the applicant to act as such representative;
- (11) If a motor vehicle and/or mobile trailer is to be used, a description of same, together with the current license number of said vehicle and/or trailer as issued by the Secretary of State or such other identification as will serve to identify said vehicle or trailer and its owner;
- (12) The place or places, other than the permanent place of business of the applicant, where applicant within the last six months preceding the date of application conducted a transient business and stating the nature thereof; and,
- (13) The designation of a resident of the City of Kankakee as a registered agent for purposes of receiving

notices from the City of Kankakee or other claims or process, as a result of doing business in the City of Kankakee.

- (14) A list of the names, addresses, social security numbers and birth dates of all persons who will participate in any way in the solicitation for which the license is requested.
- (15) Any additional information that the City Clerk may deem necessary to process the application. (Ord. 92-12, Amending Ch. 19; 3-16-92; Ord. No. 98-11, Sec. 1, 2-17-98)

Sec. 19-07. License - Issuance and Revocation.

- (a) After consideration of the application and all information and data obtained relative thereto, the City Clerk shall license the applicant as a itinerant merchant or transient vendor, if he determines that the applicant has the qualifications and meets the requirements of this Chapter, and all other applicable laws and ordinances; if not, the application shall be denied and the applicant shall not engage in or carry out any business herein defined, in the City of Kankakee.
- (b) The application shall be denied if the applicant or any person who is to participate in the solicitation or any person having management or supervision of the applicant's business has been convicted of a felony, or a misdemeanor which involves lack of moral character, honesty, or integrity, as determined by the result of an investigation conducted by the Chief of Police within ten years prior to the date of the application; or if he or any person who is to participate in the solicitation has at any time violated the provision of this Chapter or any other applicable laws or Ordinances of the City of Kankakee or any County or municipality for a period of ten years prior to the date of the application, or if a license or other such permit to engage in or carry out such business defined herein has been revoked by the City or any other governmental agency or body. This application shall also be denied if the purpose of the business is otherwise unlawful. (Ord. No. 98-12, Sec. 26-08, 2-17-98).
- (c) If the application for a license is approved, the City Clerk shall forthwith issue the applicant a license, provided the applicant complies with the requirements of Section 19-6 and pays the appropriate fee as determined in Section 19-9.
- (d) The license shall contain a permanently affixed photograph of the applicant, and copies thereof shall contain the names, addresses and the photograph of each person who is authorized to solicit on behalf of the applicant. (Ord. No. 98-12, Sec. 26-08, 2-17-98)
- (e) At all times engaging or carrying out such business as defined herein, in the City of Kankakee, the applicant shall prominently display said license and shall exhibit same whenever he is requested to do so by any police officer or by any person who approaches the applicant for purposes of engaging in or carrying on the business defined therein.
- (f) Any license issued hereinafter shall be revoked by the City Clerk if the holder of the license is convicted for a violation of this chapter or any other applicable law or ordinance, or ceases to possess the qualifications required for licensing hereunder, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under this chapter. (Ord. No. 98-12, Sec. 26-08, 2-17-96).
- (g) Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the license by certified mail, return receipt requested, addressed to the applicant's residence address as set forth in the application. Immediately upon the mailing of such notice, the license shall become null and void. (Ord. 92-12, Amending Ch. 19, 3-16-92).

Sec. 19-07.01. Penalty for violating Peddler/Solicitor Regulations.

Any person violating any of the provisions of this Chapter, or who makes a false statement upon an application for license provided herein shall, upon conviction, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). Any person who conducts solicitations or any business described in this Chapter, without first obtaining a license as described herein, shall be assessed a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00). (Ord. No 98-12, Sec. 1, 2-17-98)

Sec. 19-08. License - Records to be kept.

The City Clerk of the City of Kankakee shall cause to be kept an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, all licenses issued hereunder, and a record of the denial of applications.

Sec. 19-09. License Fee.

Each applicant shall pay an initial fee of fifteen and no/100s dollars (\$15.00) for handling and processing of each application. Upon approval and prior to the issuance of a license by the City Clerk pursuant to this Article, a fee shall be paid in the amount as described in Chapter 21 Section 21.04 of this Municipal Code. (Ord 04-24, Sec 8)

No license shall be issued to extend beyond April 30 of the fiscal year in which the license is issued. (Code 1965, Sec. 32.08; Ord. 92-12, Amending Ch. 19, 3-16-92)

Sec. 19-10. Reserved.

ARTICLE III. STANDARDS OF CONDUCT

Sec. 19-11. Standards of Conduct.

All itinerant merchants or transient vendors engaged in or carrying on any business, occupation or pursuit thereof, as defined in Section 19-2, in the City of Kankakee, whether required to be licensed under the provisions of this chapter or not, shall conform to the following standards of conduct:

- (a) Such persons shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any loud or obnoxious noise of such volume sufficient to disrupt the peace of the residents of the City of Kankakee.
- (b) Such persons shall, when requested, identify themselves by the license issued by the City of Kankakee and other approved means of identification, if any.
- (c) Such persons shall, within a reasonable time, clearly reveal to the prospective buyer, the product or service they are selling or securing orders for future delivery, the company they are employed by or represent, and the exact price and conditions of the proposed sale.
- (d) Such persons shall, at the time of taking of any order for the purchase of the product or service they are selling, deliver to the purchaser a copy of a written order or receipt which shall set forth the following in language that is clear and free of ambiguity:
 - (1) All terms and conditions of the sale, with specification of the total amount the purchaser will be required to pay, including all interest, service charges and fees, and other costs and expenses;
 - (2) The name and address of the itinerant merchant or transient vendor and the company selling such product or service;
 - (3) A statement whether the contract or negotiable instrument signed by the purchaser in connection with the sale may be sold or assigned by the seller to a third party; and,

- (4) A statement shall also be included as to the time permitted to cancel any order and the method for such cancellation at no penalty. (Ord. 92-12, 3-16-92)

ARTICLE IV. TIME LIMIT - VIOLATION AND PENALTY

Sec. 19-12. Time Limit on Activities.

No person shall engage in or carry on any such activities permitted by this chapter prior to: sunrise or after sunset on any day except Sundays and national holidays; prior to twelve noon, or after six p.m. or sun-down, which ever first occurs, on Sundays; and, at any time on national holidays. However, any person who, by reason of associating temporarily with any local dealer, trader, or merchant shall be deemed exempt from such restrictions provided that any activity permitted by this chapter shall take place on the premises of said dealer, trader, or merchant, and, only during such dealer, trader, or merchant's regular business hours.

Sec. 19-13. Violation and Penalty.

Any person violating any of the provisions of this chapter, or who makes a false material statement upon an application for a license, as provided herein, shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each offense. (Code 1965, Sec. 32.08; Amended by Ord. 92-16, 3-16-92; Ord. No. 98-88, Sec. 19-13, 11-2-98).

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