

**TITLE X: BUSINESS REGULATIONS - CONTINUED****CHAPTER 102: TRANSIENT MERCHANT AND ITINERANT VENDOR**

**102-1: LICENSE REQUIRED.** It shall be unlawful for any person to engage in the business of "transient merchant" or "itinerant vendor" without having first secured a license therefor.

**102-2: DEFINITION.**

**"ITINERANT VENDOR"** shall mean any person who transports tangible personal property for retail sale, barter or exchange within this Municipality who does not maintain in this Municipality an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this term does not apply to any person, firm, corporation, partnership or entity who or which delivers tangible personal property within this Municipality when fulfilling an order for such property which was solicited or placed by mail or other means.

**"NON-PROFIT ORGANIZATION"** shall mean an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. This shall include, but not be limited to, charitable, educational, religious, fraternal, veterans, labor, or organizations recognized as not-for-profit by the state or federal government.

**"PERSON"** means any individual, corporation, partnership, trust, firm, association or other entity.

**"TRANSIENT MERCHANT"** shall mean any person who is engaged temporarily in the retail sale, barter or exchange of goods, wares or merchandise within this City and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this term does not apply to the following:

(A) Any person selling such items which are raised, produced, manufactured, or retailed by them to any person selling vegetables, fruit, perishable farm products, or any other products at any store in the City or at a Farmer's Market under Chapter 105; or

(B) Any person selling such items which are raised, produced, manufactured, or retailed by them to any person operating a refreshment stand; or

(C) Any person selling such items which are raised, produced, manufactured, or retailed by them to any person operating a stand or booth on or adjacent to property owned by them or upon which they reside; or

(D) Any person selling such items which are raised, produced, manufactured, or retailed by them at a stand or booth at a City approved Farmers' Market under Chapter 105; or

(E) Any person selling such items which are raised, produced, manufactured, or retailed by them as a food vendor under Chapter 106; or

(F) Any person selling such items which are raised, produced, manufactured, or retailed by them at any other City approved event. If the request for approval is received and the event is

to occur before the next City Council meeting, then the Mayor shall have sole authority to approve or deny a request.

**102-3: VIOLATION.** It is a violation of this Article for any person, either as principal or agent, to conduct business as a transient merchant or itinerant vendor in this Municipality without first complying with the requirements of Section 2a of the Illinois Retailers' Occupation Tax Act by obtaining a Certificate of Registration and by posting bond or other approved security, and without having obtained a license under this Article.

**102-4: APPLICATION.** A transient merchant or itinerant vendor intending to do business within this Municipality shall file his license application with the Police Department and such department shall be the licensing agency. The application shall include the following:

(A) The applicant's name, permanent business address (which must include a street address), residence address of the principal and, if the applicant is a corporation, the residence addresses of its officers.

(B) The location at which the applicant intends to do business.

(C) The nature of the business the applicant intends to conduct.

(D) A copy of the applicant's Certificate of Registration under the Illinois Retailers' Tax Act.

(E) A complete inventory of the goods or items which the applicant intends to offer for sale, barter or exchange at retail. Such inventory shall state the total wholesale value of the goods or items.

(F) A list of all licenses to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the State of Illinois in the twelve (12) months preceding the date of filing of the application.

**102-5: BOND.** The applicant shall file with the licensing agency a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00). The licensing agency shall transfer said deposit or bond to the Illinois Attorney General within fourteen (14) days after the applicant ceases to do business in its jurisdiction as required by the Illinois Transient Merchant Act of 1987, as amended from time to time. Such bond shall be maintained by the Attorney General as required under the Illinois Transient Merchant Act of 1987, as amended from time to time.

**102-6: INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the Chief of Police shall investigate the business and moral character of the applicant. If the facts show that the applicant is unfit to receive the license, then it shall be denied and such reasons for denial shall be stated in writing and shall be given to the applicant.

**102-7: HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in the businesses being licensed hereunder prior to ten o'clock (10:00) a.m. or after five o'clock (5:00) p.m. of any weekday or at any time on a Sunday or on a state or national holiday.

**102-8: FRAUD.** No business licensed under this Code shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as an itinerant merchant or as an itinerant vendor in this Municipality. No business licensed under this Code shall barter, sell or exchange any goods or merchandise or wares other than those specified in his application for a license.

**102-9: PHOTOGRAPHS.** A clear copy of the applicant, and their employees or agents acting under the license, state issued driver's license or i.d. card shall be provided with the application.

**102-10: UNWANTED PEDDLING AND SOLICITING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of conducting its business if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

**102-11: ITINERANT MERCHANTS AND ITINERANT VENDORS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Municipality by licensees hereunder without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or selling, bartering, or exchanging goods and merchandise at retail is hereby declared to be a nuisance and is punishable as a violation of this Code. No licensee shall conduct its business in a public square.

**102-12: DUTY OF POLICE TO OBEY.** The Police Department is hereby required and directed to suppress the same and to abate any such nuisance as described in Section 102-11.

**102-13: EXCLUSIONARY PROVISION.** The provisions of this Article shall not apply to 1) any person who is a resident of this City; or 2) persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in this City, or 3) any non-profit organization located in this City.

**102-14: FEES.** The license fees for a person to be charged for licenses under this Article in this Municipality, each payable in advance, are hereby fixed and established as follows:

(A)            **Daily License:**                            **\$20.00 per person per day;**

(B)            **Annual License:**                            **\$100.00 per person per year.**

**102-15: EVIDENCE.** It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Code if the person does not transact business from a fixed location for a term of at least six (6) months and if the person does not own or lease for a term of at least six (6) months, the property from which his business is conducted.

**102-16 to 102-17: RESERVED.**