

# MEMO



**TO:** Mayor, City Council and City Staff

**FROM:** Mark D. Walton

**RE:** Solicitor Ordinance (Revised)

**DATE:** October 16, 2025

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Following the discussions at the October 13, 2025 committee of the whole meeting, I revised the solicitor ordinance as follows:

1. **Section 16-98(C)**—this section was revised to provide that an applicant will be disqualified from receiving a permit if the applicant was convicted ***or discharged from prison or a sentence of probation*** for specified types of crimes within the last 10 years;
2. **Section 16-100**—this section was revised to reflect that solicitation activities must end at the ***earlier*** of 7:00 p.m. or sunset (instead of the “later” of 7:00 p.m. or sunset);
3. **Section 16-109**—this section was revised to add the police chief’s “designee” to the section on revocation of permits.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III  
OF THE WASHINGTON CITY CODE  
REGARDING THE SOLICITORS, PEDDLERS & SIMILAR VENDORS**

**WHEREAS**, the City Council of the City of Wahington has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to Article 11 of the Illinois Municipal Code (65 ILCS 5/11-1-1, *et seq.*), and its home-rule authority, the City of Washington has the authority to define, prevent, and abate nuisances within the City; and

**WHEREAS**, the City has a legitimate interest in preventing fraud, protecting the privacy of its residents, preventing crime and conserving the resources of its police department, and to also ensure the free exercise of rights protected under the First Amendment within the City; and

**WHEREAS**, the City Council of the City of Washington has determined that it is necessary, expedient, and in the best interests of the City and its citizens to update its ordinances as set forth herein in order to balance these competing interests;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:**

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** Chapter 16, Article III of the City of Washington Code of Ordinances entitled “Transient Merchants and Similar Vendors” is hereby deleted in its entirety and replaced as follows:

## ARTICLE III.

### SOLICITORS, TRANSIENT MERCHANTS & SIMILAR VENDORS

#### DIVISION 1. GENERALLY

##### Sec. 16-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Charitable organization* means any charitable organization as defined in the Illinois Solicitation for Charity Act, 225 ILCS 460/1.

*Hawker or peddler* means a person who seeks to sell or obtain orders for property by traveling from place to place in the City, or who travels to the location of the prospective customer in order to conduct his or her business. A mobile vendor operating with a valid city mobile vendor license in compliance with this article is not a hawker or peddler.

*Itinerant vendor* means any person who transports tangible personal property for retail sale within the city who does not maintain in the city an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. The term "itinerant vendor," for the purposes of this article, shall not apply to:

- (1) Any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means; or
- (2) Any person holding a valid license, issued by the state or county, to engage in retail sales.

*Mobile vendor* means an individual, partnership, or corporation that engages in the business of selling retail goods, food and/or beverages from a vehicle.

*Nonprofit organizations* means any bona fide charitable, educational, fraternal, labor, religious, or veterans organization that operates without profit to its members.

*Public property* means real property owned, controlled, used, or occupied by any unit of government or any governmental organization.

*Solicitor* means any person engaged in solicitation.

*Solicitation* means engaging in any of the following activities, upon any residential premises or in any dwelling house, apartment or other residence located thereon:

- (1) Seeking to sell or obtain orders for the purchase of goods, wares, merchandise, foodstuffs, tickets, services of any kind, character, or description whatever for any kind of consideration whatever;
- (2) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any purpose.

*Transient merchant* means any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the city, and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. The term transient merchant, for the purposes of this article, shall not apply to:

- (1) Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him;
- (2) Any person selling vegetables, fruit, or perishable farm products at an established city market;
- (3) Any person operating a store or refreshment stand at a resort;
- (4) Any person operating a stand or booth on or adjacent to property owned by or upon which the same resides;
- (5) Any person operating a stand or booth at a state or county fair;
- (6) Any person operating a stand or booth at a trade show, exposition, convention, or similar event; or
- (7) Any person holding a valid license, issued by the state or county, to engage in retail sales.

*Temporary stand* means any table, stand, rack, or display set up for fewer than 90 consecutive days in a calendar year at the same location.

### **Sec. 16-97. Certificate of Registration Required.**

- (a) It shall be unlawful for any person eighteen (18) years of age or older, any firm, or any corporation to engage in solicitation or to engage as a hawker, peddler, itinerant vendor or transient merchant of any merchandise, article, thing, or amusement without first having secured a certificate of registration therefor.
- (b) Exemptions: The following shall be exempt from the registration provisions of this Section 16-97, but shall in all cases comply with all other applicable provisions of this Article, including but not limited to abiding by a resident's request for no solicitation:
  - a. *Previous Invitation.* Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
  - b. *Celebration.* Any person selling, peddling, hawking, or taking orders for any goods or services not prohibited by law while invited to participate in any celebration, fair, festival, or similar activity sponsored by the city or a nonprofit organization and while actually participating in said celebration, fair, festival, or similar activity and when such person selling, peddling, hawking, soliciting, or taking orders is a part of such celebration approved by the celebration-sponsoring authority. Such participation must occur wholly within the defined area of the celebration and may not include residential door-to-door solicitation.
  - c. *Farmers or gardeners.* Any person who sells the produce of one's own farm, vineyard, orchard, or garden, on the premises and such sales are made upon the same property whereupon the produce has been grown, harvested, picked, or cultivated; provided such person does not obstruct streets, sidewalks or other public places within the city. However, nothing herein contained shall be construed to authorize the sale of alcoholic, spirituous, malt, or other intoxicating liquors, or peddling of any kind whatsoever in any public park.
  - d. *Newspaper vendors; Book canvassers.* Any person who solicits subscriptions for books, periodicals, newspapers and other publications for future delivery within the city.
  - e. *Pamphleteering.* The distribution of handbills, flyers, brochures, pamphlets, leaflets, papers, other literature, and written materials.

- f. *Political and Religious Solicitation.* Any person who engages in political canvassing or religious proselytizing.

**Sec. 16-98. Application for Certificate of Registration.**

(A) Application for certificate of registration shall be made upon a form provided by the City and submitted at least seven (7) business days in advance of the first day for which authorization to solicit is sought. The applicant shall truthfully state in full the information requested on the application, as follows:

- a. The applicant's name, business address (if any) and current residence address;
- b. If the applicant is an individual, each of the applicant's residence addresses during the previous three years;
- c. If the applicant is an individual, a copy of a government-issued photo identification card;
- d. The name and address of the entity on whose behalf the applicant will be soliciting, if any;
- e. The name, address, and telephone number of a principal officer or director of the applicant's business or organization who has authority to act on matters related to the application, and the business's or organization's registered agent for service in Illinois, if any;
- f. If more than one solicitor shall be soliciting on behalf of an entity, the name(s), address(es), and telephone number(s) of the person(s) in direct charge of the solicitors;
- g. A description of the subject matter and purpose of the applicant's solicitation;
- h. The date(s) on which the proposed solicitation would be conducted;
- i. Information regarding any prior solicitation permit issued by the city or any other municipality to the applicant or the business or organization the applicant represents during the previous five years, including any revocations;
- j. Information regarding whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of any such offense;
- k. If the applicant is a corporate entity, evidence that the applicant is registered to conduct business in the State of Illinois and is in good standing with the state;
- l. If the applicant is a charitable organization, evidence of registration with the Illinois Attorney General under the Illinois Solicitation for Charity Act; and
- m. If a vehicle will be used in connection with the solicitation, a description of the vehicle including make, model, year, and license plate number.
- n. For itinerant vendors and transient merchants:
  - i. Proof of the applicant's certificate of registration under 35 ILCS 120/2a
  - ii. Bond or cash deposit equal to 50 percent 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 \$1,000.00 nor more than \$10,000.00. The city shall transfer the deposit or bond to the attorney general of the state within 14 days after the applicant ceases to do business in the city to be held, distributed, and returned as set forth in 35 ILCS 120/2a

(B) *Fingerprinting; background check.* Every individual identified in an application who seeks to engage in activities requiring registration under this Chapter shall complete:

- a. An authorization in such form as may be prescribed from time to time by the police chief granting the city authority to request criminal history or conviction information from the state police or other lawful source; including fingerprints of such persons; and
- b. A properly and fully completed conviction information request form, or such other form as the state police may require from time to time, including the applicant's original fingerprint images;

(C) *Processing and issuance.* The City Clerk shall issue a registration permit within five (5) business days after receiving a complete application if, but only if, the City Clerk finds and determines all of the following:

- a. The applicant has properly provided all required information and the material statements in the application are true;
- b. The applicant has not been convicted or discharged from prison or a sentence of probation ~~off~~for a felony or any crime that involves theft, embezzlement, fraud, or dishonesty within ~~five (5)~~ten (10) years of the date of application, nor to any person who is a registered sex offender;
- c. Neither the city nor any other municipality has revoked or suspended the applicant's right to solicit within five (5) years immediately prior to the date of filing of the application; and
- d. The applicant has not been found in violation of any provision of this division or of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

(D) *Denial; notice; deemed issuance.* If the City Clerk determines that the applicant has not met one or more of the conditions in subsection (C), the City Clerk shall deny the permit and provide written notice stating the reasons for denial, delivered in person, by first-class U.S. mail to the applicant's address, or by e-mail if requested by the applicant. If the City Clerk does not issue or deny the permit within five (5) business days after receiving the application, the permit applied for shall be deemed issued and, unless revoked, the applicant may obtain the permit in person at City Hall during normal business hours.

(E) *Duration; display.* Each registration permit shall state the effective dates.

#### **Sec. 16-99. Prima facie evidence.**

It shall be prima facie evidence that a person, a merchant or a vendor, is a transient merchant or itinerant vendor under this article if the person does not transact business from a fixed location or if the person does not own, or lease, for a term of at least six months, the property from which business is conducted. Proof of a transaction occurring without a license is prima facie evidence of a violation by both the seller and the employing business entity.

#### **Sec. 16-100. Limitation on hours of operation.**

It is unlawful for any transient merchant, or itinerant vendor to transact business of a transient merchant, or itinerant vendor as defined in section 16-96 from door-to-door within the city before the hour of 9:00 a.m. or after the ~~later~~earlier of sunset, or 7:00 p.m. Monday through Saturday, or anytime Sunday, or at any premises displaying a reasonably visible "No Soliciting" or equivalent sign, except by prior appointment made and agreed with the citizen.

### **Sec. 16-101. Location of sales facilities on private property.**

No transient merchant, or itinerant vendor licensed under the provisions of this article may erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

- (1) Such activity is permitted under all applicable zoning regulations.
- (2) The structure from which the display, exhibition, or sales facility is operated is provided with water and sewer service in the manner required by this Code and conforms in all respects to the provisions of the city's building regulations.
- (3) Parking and loading facilities available on the parcel meet the requirements established under the provisions of the city zoning ordinances.

### **Sec. 16-102. Vehicles to be marked.**

Every vehicle or conveyance used by a person issued a certificate hereunder shall have the name of such person or employer and the number of the license conspicuously displayed thereon. No person may display a license number or purport to display a license number when such number does not match the person's actual, valid, City of Washington license number.

### **Sec. 16-103. Restrictions on use of public streets and City Property.**

- (a) Except as permitted in subsection (b) of this section, it is unlawful for any person, including those licensed hereunder, for the purpose of dispensing or displaying any goods, wares, foodstuffs, or other merchandise or tangible personal property of any nature whatsoever, to erect or place any temporary or permanent stand, cart, wagon, or other structure or vehicle upon any street, alley, sidewalk, or other location owned or maintained by the city.
- (b) Any person licensed hereunder may, if so indicated on the face of such license, conduct licensed operations from a single specific fixed location identified on the face of the license, which location is on property owned or maintained by the city. Conduct of licensed operations from more than one location shall require a separate license and payment of an additional license fee for each such location. No such location shall be within 50 feet of any entrance or exit to any building. All such locations shall be within areas of the city which are zoned C-1, C-2, or C-3 under the city zoning ordinances or, if the permitted location is a street, adjacent to property so zoned. No licensee may conduct licensed operations from any location where such operations would reasonably interfere with the intended or primary use of the public place in question. No license shall be issued for any location on property owned or maintained by the city which is within 300 feet of any location for which a current valid license has been issued. Mobile vendors subject to Division 3 of this article are exempt from this section and subject to the requirements of Division 3 of this Article.

### **Sec. 16-104. Compliance with sign requirements.**

Except as otherwise permitted in this article, no transient merchant, solicitor, or itinerant vendor shall establish or display a sign without first complying with this Code applicable to signs.

### **Sec. 16-105. Fraud and misrepresentation.**

Any licensed transient merchant, solicitor, or itinerant vendor who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether the licensee or through an employee, while engaged in trade or solicitation within the city or who shall broker, sell, or peddle any goods other than those specified

in the application for a license shall be deemed guilty of a violation of this article. It is a violation to misstate or conceal the legal name of the business, the refund policy, or, when a right to cancel disclosure is required by state or federal law, the right to cancel.

## **Sec. 16-106. Manner of Operation**

### *(a) Occupant Notice.*

- (1) No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words “No Trespassing,” “No Peddlers,” “No Solicitors,” or any similar notice indicating that the occupants do not desire to be solicited, unless the occupants have specifically requested such solicitation.
  - (2) The City Clerk is authorized to maintain a list of premises within the city whose owners or tenants have notified the city in writing that they desire not to be solicited (“No Solicitation List”). The city shall provide a copy of the list to all solicitors at time of permit issuance and upon request to anyone for the purpose of religious proselytizing or political canvassing. The copy may be in an electronic format. No solicitor shall solicit at, and no person shall enter upon for the purpose of religious proselytizing or political canvassing, any premises included on the No Solicitation List whether or not such premises displays signage. An owner or tenant may remove a premises from the list by written notice to the City Clerk.
  - (3) *Discontinuance on request.* A solicitor shall immediately and peacefully leave a premises and cease solicitation upon request of any person or occupant.
- (b) *Immediate identification.* Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.
- (c) *Principal approach and entrance only.* Every solicitor shall approach a premises only by the principal approach route, and shall attempt to make contact only at the principal entrance.
- (d) *Display of permit.* Every solicitor shall prominently display his or her permit on the outside of all clothing while soliciting.
- (e) *Impeding traffic prohibited; Public health and safety.* No person shall solicit in any manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place, or in a manner that creates a danger or threat to the public health, safety, or welfare.
- (f) *Fraud or misrepresentation.* No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation.
- (g) *Registration not transferable.* No registration/permit issued pursuant to the provisions of this article shall be transferable.
- (h) *Amplified sound prohibited.* No person may use electronically amplified voice, music, or other sound in connection with solicitation.
- (i) *Signage and advertising devices.* No person may advertise solicitation by carrying or displaying any internally or externally illuminated sign.

## **Sec. 16-107. Restriction on peddling in public.**

No hawker, peddler, transient merchant, or itinerant vendor shall ply his or her vocation on any street, sidewalk, park, parkway, or in any other public place or any public right of way unless his or her certificate of registration specifies that solicitation on public ways is permitted thereunder.

#### **Sec. 16-108. Violations declared to be nuisances.**

Every violation of any term, provision, condition, restriction, or duty stated in this division or in any registration permit issued pursuant hereto is hereby declared unlawful and constitutes a public nuisance.

#### **Sec. 16-109. Revocation.**

The police chief or the chief's designee may immediately revoke any registration permit issued under this division upon determining that the solicitor is in violation of any provision of this division or of the solicitation permit, that the solicitor made a false material statement in the application, or that the solicitor otherwise becomes disqualified for the issuance of a solicitation permit under Sec. 16-98. Upon revocation, the police chief or the chief's designee, any police officer, or the City Clerk shall take custody of the permit and provide written notice stating the reason for revocation. Notice shall be served in person, by first-class U.S. mail to the address set forth in the application, or by e-mail if requested by the applicant. The permit becomes null and void upon service of the notice.

#### **Sec. 16-110. Appeal of denial or revocation.**

Any person aggrieved by the denial or revocation of a registration permit may appeal to the City Administrator by filing a written request for hearing within ten (10) days after receipt of the notice of denial or revocation. The City Administrator shall set a hearing within ten (10) days after receipt of the request and give written notice of the hearing at least five (5) days in advance. At the hearing, the appellant may present evidence and witnesses. Within five (5) days after the close of the hearing, the City Administrator shall render a decision in writing, which may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the denial or revocation. The City Administrator's decision is final unless review is sought pursuant to the Administrative Review Law.

#### **Sec. 16-111. Change in information.**

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the City Clerk in writing of any change in any material information given in the application.

#### **Sec. 16-112. Administrative record.**

The City Clerk shall maintain an accurate record of every solicitation permit application received and acted upon, together with all relevant information and materials pertaining thereto. Permit applications shall be numbered as determined by the police chief, and every permit issued pursuant to this division and any renewal thereof shall be identified with the number of the application on which it was issued.

#### **Sec. 16-113. Penalty.**

- (a) Any person who violates, neglects, or refuses to comply with, or assists in the violation of, any provision of this Chapter, or any order, permit, or notice issued pursuant hereto, shall be punished as provided herein. The city may also seek any remedy available at law or in equity, including abatement of a public nuisance.
- (b) When in this article any act is prohibited or is made or declared to be unlawful or an offense, or when in this article the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this article shall be punished by a fine of not less than \$50.00 and not exceeding \$750.00. A separate offense shall be deemed committed for each day any violation of any provision of this article shall continue.
- (c) Any person who violates the provisions of this article relating to soliciting without a permit or license shall be fined not less than \$50.00 for a first offense, \$75.00 for a second offense, and \$100.00 for a third offense, and not more than \$750.00 for all subsequent offenses. Violations

may be enforced by issuance of a notice to violation for the fine amount enumerated herein, or by issuance of a notice to appear.

- (d) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a permit, the city may hold the inventory, truck, or other personal property of the person until the same obtains a permit to conduct business as a transient merchant or itinerant vendor. If the property has been held by the city for more than 60 days and the person whose property is being held has not obtained a license under this article, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a license under this article, the court may order the city to sell the property. Proceeds of the sale of the property, less reimbursement to the city of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the city.

**Sec. 16-114 - 122. Reserved.**

## **DIVISION 2. REGISTRATION FEES**

**Sec. 16-123. Registration Fees.**

**(A) Hawker, Peddler & Solicitor:**

1. *Fee.* Each hawker, peddler, and solicitor shall pay to the City Clerk the costs of the background check and a daily registration fee pursuant to the City's fee schedule. The charge for the daily fee may be extended for a set period of days and paid at the time of registration but in no event may a certificate of registration be issued for a period greater than sixty (60) days without renewal.
2. *Exemption:* A hawker, peddler, or solicitor who represents an agency or business which maintains a physical location (e.g. office, store or service center) within the corporate limits of the City and non-profit organizations operating within Tazewell, Peoria, or Woodford Counties, in each case being in operation for at least twelve (12) months, shall be exempt from the daily fee.

**(B) Itinerant Vendor and Transient Merchants:** Each itinerant vendor and transient merchant shall pay the City Clerk the costs of the background check and an annual registration fee pursuant to the City's fee schedule.

**(C) Mobile Vendors:** Each mobile vendor shall pay to the City Clerk an application fee and annual fee as provided in the city fee schedule per MV.

**Secs. 16-124—16-164. Reserved.**

## **DIVISION 3. MOBILE VENDORS**

### **Sec. 16-165. License and fee.**

- (a) Any mobile vendor (MV) who would like to operate an MV within the city on public right-of-way (ROW) or public property shall submit an application for a mobile vendor license.
- (b) An application fee as provided in the city fee schedule is required to be submitted for any MV who operates within the city on public ROW or public property. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.
- (c) An annual fee as provided in the city fee schedule per MV shall be paid to the city no later than January 30 each year or, if a new license is being requested, the annual fee shall be paid at the time an application is requested. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. The annual fee shall only be required for any MV who operates within the city on public ROW or public property. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.

### **Sec. 16-166. Vehicle requirements.**

- (a) An MV shall operate from a self-contained vehicle that possesses proof of vehicle registration. The vehicle shall be kept in good mechanical and structural condition.
- (b) An MVs vehicle shall be enclosed on the top and all sides, with the business name legibly painted on both sides of the vehicle. The presence of a door for public access or a serving window shall not be a violation of this section.
- (c) An MVs vehicle is not a multi-use vehicle. It should not be used for any other purpose other than an MV.
- (d) If the MV wishes to draw from a public power source, it must obtain written consent from the city and pay an appropriate fee, which shall be set by the city in its sole discretion. The city shall designate particular locations where it is acceptable for MVs to draw from a public power source. An MV shall not draw electricity from nonapproved public power sources, such as streetlights. An MV may rely on self-contained electricity. If an MV wishes to draw from an external power source on private property, the MV must gain consent from the property owner.

### **Sec. 16-167. Proximity and location on public right-of-way or public property.**

- (a) An MV operating on a public street must conduct all points of sale on the curbside of the street in city approved public right-of-way or public properties. The city shall make a list and map of approved public right-of-way and public properties available on the city's website and at city hall.
- (b) An MV shall not obstruct access to any sidewalk, street, alley or parking lot. While operating in a location that affects sidewalk traffic, an MV must provide a minimum of five feet of unobstructed sidewalk to allow for pedestrian traffic, including, but not limited to, wheelchairs.
- (c) Any MV operating on public right-of-way within the downtown square must have written permission from any stationary business that it will be parked in front of. An MV is deemed operating in front of a business if any part of the vehicle or any attached power unit or accoutrement

is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.

- (d) No more than six of the available downtown square on-street MV spaces can be occupied at any time as determined by the city administrator or designee.
- (e) An MV may operate and conduct business next to another MV, as long as these actions do not infringe on the MV that was in the area first.
- (f) When operating on public property, tables, tents and chairs designated for customer dining are prohibited, with the exception of tents and tables that are specifically designated for food storage and preservation. On private property, tables, tents and chairs designated for customer dining are permitted with consent of the property owner.
- (g) Freestanding signage, tables, tents and chairs of any kind are strictly prohibited, without any exceptions, if the MV is conducting sales from an on-street parking location.
- (h) All signage and aesthetics promoting the MV must be attached to the vehicle.
- (i) An MV may operate on private property only with written consent from the property owner.

#### **Sec. 16-168. Noise and behavior constraints.**

- (a) The vendor shall not annoy, harass, or call out to patrons in any way that calls attention to the sale of any goods that are being sold from the MV.
- (b) Any form of intimidation or disorderly behavior towards patrons, residents, pedestrians, and/or other vendors is prohibited will not be tolerated and shall be cause for revocation of the MV license.
- (c) An MV shall not play any sort of music or make any announcements that are amplified.

#### **Sec. 16-169. Food inspections and licensing.**

- (a) MVs are strictly prohibited from selling, displaying for sale, gifting, transferring or delivering any type of alcoholic beverages unless in compliance with city and state requirements for such action.
- (b) Beverages may not be served in any glass cup or container.
- (c) An MV shall comply with all health department regulations regarding food handling, food preparation, and food service. Health Department permits must be conspicuously displayed.
- (d) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a valid inspection certification from the county health inspector.
- (e) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a current food license from the county.

#### **Sec. 16-170. Sanitation and disposal.**

- (a) An MV shall abide by all rules and regulations regarding food safety and disposal set forth by the county health department.
- (b) An MV, at the end of each business day operation, shall remove all items, containers, and debris from the area of operation. The vendor shall collect all litter and garbage incidental to the operation of the vehicle.

- (c) Vendors shall not place the refuse in any public trash container or any drain along the streets or sidewalks.
- (d) An MV shall have a nonabsorbent and washable receptacle for refuse that is adjacent to the MV.

**Sec. 16-171. Service limits and hours of operation.**

- (a) An MV shall not operate between the hours of 12:00 midnight and 7:00 a.m.
- (b) An MV shall not operate a generator in a residential area between the hours of 10:00 p.m. and 7:00 a.m.
- (c) An MV must operate in one location for not less than 30 minutes nor more than six consecutive hours. Site-specific parking regulations shall be enforced.
- (d) An MV must wait two hours before returning to the same location.
- (e) An MV shall not violate any parking regulations and limitations set forth by the city unless granted permission by the city.

**Sec. 16-172. Special events.**

- (a) An MV may operate at a special event upon obtaining an MV license. An MV may operate at up to three events held within the downtown square per year without needing to pay the MV license fee. A single special event shall be considered to be the duration of the time period the event is held and shall not be any longer than three consecutive days.
- (b) Any MV operating on public right-of-way within the downtown square must have written permission from any business that it will be parked in front of. An MV is deemed operating in front of a business if any part of the vehicle or any attached power unit or accoutrement is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.

**Sec. 16-173. Indemnification and insurance on public right-of-way or property.**

- (a) All MVs operating on public ROW or public property shall defend, indemnify and hold harmless the city from and against any all claims, demands, actions, or proceedings, all costs, including attorneys' fees, damages, expenses, or other liability of any nature whatsoever due to personal injury or property damage, including damage to the public property, any of which arises directly or indirectly from or in connection with, in whole or in part, the operations of the MV.
- (b) The MV shall, at the MVs expense, carry and keep in full force and effect an insurance policy with a carrier and in a form satisfactory to the city, which policy or policies shall:
  - (1) Have commercial general liability coverage with the following limits:
 

|                                       |                 |
|---------------------------------------|-----------------|
| a. Each occurrence:                   | \$ 1,000,000.00 |
| b. Damage to rented premises:         | \$ 100,000.00   |
| c. Medical expenses (any one person): | \$ 5,000.00     |
| d. Personal and advertising injury:   | \$ 1,000,000.00 |
| e. General aggregate:                 | \$ 1,000,000.00 |
| f. Products—Comp-op aggregate:        | \$ 1,000,000.00 |

- (2) Have automobile liability coverage, combined single limit (each accident)      \$ 1,000,000.00
- (3) State that the city is an additional insured on the commercial general liability, auto liability and excess liability when required by written contract or agreement regarding activities by or on behalf of the named insured. This insurance is primary insurance and any other insurance maintained by the additional insured shall be excess only and noncontributing with this insurance. A waiver of subrogation applies to the commercial general liability, auto liability, excess liability and workers' compensation/employers' liability in favor of the additional insured. A copy of the 30 days' notification of cancellation endorsement needs to be included with the certificate of insurance naming the city.

**Sec. 16-174. Applicable laws.**

All MVs shall comply with all laws, rules and regulations, including, but not limited to, this Code and state law.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III  
OF THE WASHINGTON CITY CODE  
REGARDING THE SOLICITORS, PEDDLERS & SIMILAR VENDORS**

**WHEREAS**, the City Council of the City of Wahington has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, pursuant to Article 11 of the Illinois Municipal Code (65 ILCS 5/11-1-1, *et seq.*), and its home-rule authority, the City of Washington has the authority to define, prevent, and abate nuisances within the City; and

**WHEREAS**, the City has a legitimate interest in preventing fraud, protecting the privacy of its residents, preventing crime and conserving the resources of its police department, and to also ensure the free exercise of rights protected under the First Amendment within the City; and

**WHEREAS**, the City Council of the City of Washington has determined that it is necessary, expedient, and in the best interests of the City and its citizens to update its ordinances as set forth herein in order to balance these competing interests;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEVELL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:**

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** Chapter 16, Article III of the City of Washington Code of Ordinances entitled “Transient Merchants and Similar Vendors” is hereby deleted in its entirety and replaced as follows:

## ARTICLE III.

### SOLICITORS, TRANSIENT MERCHANTS & SIMILAR VENDORS

#### DIVISION 1. GENERALLY

##### Sec. 16-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Charitable organization* means any charitable organization as defined in the Illinois Solicitation for Charity Act, 225 ILCS 460/1.

*Hawker or peddler* means a person who seeks to sell or obtain orders for property by traveling from place to place in the City, or who travels to the location of the prospective customer in order to conduct his or her business. A mobile vendor operating with a valid city mobile vendor license in compliance with this article is not a hawker or peddler.

*Itinerant vendor* means any person who transports tangible personal property for retail sale within the city who does not maintain in the city an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. The term "itinerant vendor," for the purposes of this article, shall not apply to:

- (1) Any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means; or
- (2) Any person holding a valid license, issued by the state or county, to engage in retail sales.

*Mobile vendor* means an individual, partnership, or corporation that engages in the business of selling retail goods, food and/or beverages from a vehicle.

*Nonprofit organizations* means any bona fide charitable, educational, fraternal, labor, religious, or veterans organization that operates without profit to its members.

*Public property* means real property owned, controlled, used, or occupied by any unit of government or any governmental organization.

*Solicitor* means any person engaged in solicitation.

*Solicitation* means engaging in any of the following activities, upon any residential premises or in any dwelling house, apartment or other residence located thereon:

- (1) Seeking to sell or obtain orders for the purchase of goods, wares, merchandise, foodstuffs, tickets, services of any kind, character, or description whatever for any kind of consideration whatever;
- (2) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any purpose.

*Transient merchant* means any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the city, and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. The term transient merchant, for the purposes of this article, shall not apply to:

- (1) Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him;
- (2) Any person selling vegetables, fruit, or perishable farm products at an established city market;
- (3) Any person operating a store or refreshment stand at a resort;
- (4) Any person operating a stand or booth on or adjacent to property owned by or upon which the same resides;
- (5) Any person operating a stand or booth at a state or county fair;
- (6) Any person operating a stand or booth at a trade show, exposition, convention, or similar event; or
- (7) Any person holding a valid license, issued by the state or county, to engage in retail sales.

*Temporary stand* means any table, stand, rack, or display set up for fewer than 90 consecutive days in a calendar year at the same location.

### **Sec. 16-97. Certificate of Registration Required.**

- (a) It shall be unlawful for any person eighteen (18) years of age or older, any firm, or any corporation to engage in solicitation or to engage as a hawker, peddler, itinerant vendor or transient merchant of any merchandise, article, thing, or amusement without first having secured a certificate of registration therefor.
- (b) Exemptions: The following shall be exempt from the registration provisions of this Section 16-97, but shall in all cases comply with all other applicable provisions of this Article, including but not limited to abiding by a resident's request for no solicitation:
  - a. *Previous Invitation.* Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
  - b. *Celebration.* Any person selling, peddling, hawking, or taking orders for any goods or services not prohibited by law while invited to participate in any celebration, fair, festival, or similar activity sponsored by the city or a nonprofit organization and while actually participating in said celebration, fair, festival, or similar activity and when such person selling, peddling, hawking, soliciting, or taking orders is a part of such celebration approved by the celebration-sponsoring authority. Such participation must occur wholly within the defined area of the celebration and may not include residential door-to-door solicitation.
  - c. *Farmers or gardeners.* Any person who sells the produce of one's own farm, vineyard, orchard, or garden, on the premises and such sales are made upon the same property whereupon the produce has been grown, harvested, picked, or cultivated; provided such person does not obstruct streets, sidewalks or other public places within the city. However, nothing herein contained shall be construed to authorize the sale of alcoholic, spirituous, malt, or other intoxicating liquors, or peddling of any kind whatsoever in any public park.
  - d. *Newspaper vendors; Book canvassers.* Any person who solicits subscriptions for books, periodicals, newspapers and other publications for future delivery within the city.
  - e. *Pamphleteering.* The distribution of handbills, flyers, brochures, pamphlets, leaflets, papers, other literature, and written materials.

- f. *Political and Religious Solicitation.* Any person who engages in political canvassing or religious proselytizing.

#### **Sec. 16-98. Application for Certificate of Registration.**

(A) Application for certificate of registration shall be made upon a form provided by the City and submitted at least seven (7) business days in advance of the first day for which authorization to solicit is sought. The applicant shall truthfully state in full the information requested on the application, as follows:

- a. The applicant's name, business address (if any) and current residence address;
- b. If the applicant is an individual, each of the applicant's residence addresses during the previous three years;
- c. If the applicant is an individual, a copy of a government-issued photo identification card;
- d. The name and address of the entity on whose behalf the applicant will be soliciting, if any;
- e. The name, address, and telephone number of a principal officer or director of the applicant's business or organization who has authority to act on matters related to the application, and the business's or organization's registered agent for service in Illinois, if any;
- f. If more than one solicitor shall be soliciting on behalf of an entity, the name(s), address(es), and telephone number(s) of the person(s) in direct charge of the solicitors;
- g. A description of the subject matter and purpose of the applicant's solicitation;
- h. The date(s) on which the proposed solicitation would be conducted;
- i. Information regarding any prior solicitation permit issued by the city or any other municipality to the applicant or the business or organization the applicant represents during the previous five years, including any revocations;
- j. Information regarding whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of any such offense;
- k. If the applicant is a corporate entity, evidence that the applicant is registered to conduct business in the State of Illinois and is in good standing with the state;
- l. If the applicant is a charitable organization, evidence of registration with the Illinois Attorney General under the Illinois Solicitation for Charity Act; and
- m. If a vehicle will be used in connection with the solicitation, a description of the vehicle including make, model, year, and license plate number.
- n. For itinerant vendors and transient merchants:
  - i. Proof of the applicant's certificate of registration under 35 ILCS 120/2a
  - ii. Bond or cash deposit equal to 50 percent 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 \$1,000.00 nor more than \$10,000.00. The city shall transfer the deposit or bond to the attorney general of the state within 14 days after the applicant ceases to do business in the city to be held, distributed, and returned as set forth in 35 ILCS 120/2a

(B) *Fingerprinting; background check.* Every individual identified in an application who seeks to engage in activities requiring registration under this Chapter shall complete:

- a. An authorization in such form as may be prescribed from time to time by the police chief granting the city authority to request criminal history or conviction information from the state police or other lawful source; including fingerprints of such persons; and
- b. A properly and fully completed conviction information request form, or such other form as the state police may require from time to time, including the applicant's original fingerprint images;

(C) *Processing and issuance.* The City Clerk shall issue a registration permit within five (5) business days after receiving a complete application if, but only if, the City Clerk finds and determines all of the following:

- a. The applicant has properly provided all required information and the material statements in the application are true;
- b. The applicant has not been convicted or discharged from prison or a sentence of probation for a felony or any crime that involves theft, embezzlement, fraud, or dishonesty within ten (10) years of the date of application, nor to any person who is a registered sex offender;
- c. Neither the city nor any other municipality has revoked or suspended the applicant's right to solicit within five (5) years immediately prior to the date of filing of the application; and
- d. The applicant has not been found in violation of any provision of this division or of any local, state, or federal solicitation regulation within five (5) years immediately prior to the date of filing of the application.

(D) *Denial; notice; deemed issuance.* If the City Clerk determines that the applicant has not met one or more of the conditions in subsection (C), the City Clerk shall deny the permit and provide written notice stating the reasons for denial, delivered in person, by first-class U.S. mail to the applicant's address, or by e-mail if requested by the applicant. If the City Clerk does not issue or deny the permit within five (5) business days after receiving the application, the permit applied for shall be deemed issued and, unless revoked, the applicant may obtain the permit in person at City Hall during normal business hours.

(E) *Duration; display.* Each registration permit shall state the effective dates.

### **Sec. 16-99. Prima facie evidence.**

It shall be prima facie evidence that a person, a merchant or a vendor, is a transient merchant or itinerant vendor under this article if the person does not transact business from a fixed location or if the person does not own, or lease, for a term of at least six months, the property from which business is conducted. Proof of a transaction occurring without a license is prima facie evidence of a violation by both the seller and the employing business entity.

### **Sec. 16-100. Limitation on hours of operation.**

It is unlawful for any transient merchant, or itinerant vendor to transact business of a transient merchant, or itinerant vendor as defined in section 16-96 from door-to-door within the city before the hour of 9:00 a.m. or after the earlier of sunset, or 7:00 p.m. Monday through Saturday, or anytime Sunday, or at any premises displaying a reasonably visible "No Soliciting" or equivalent sign, except by prior appointment made and agreed with the citizen.

### **Sec. 16-101. Location of sales facilities on private property.**

No transient merchant, or itinerant vendor licensed under the provisions of this article may erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

- (1) Such activity is permitted under all applicable zoning regulations.
- (2) The structure from which the display, exhibition, or sales facility is operated is provided with water and sewer service in the manner required by this Code and conforms in all respects to the provisions of the city's building regulations.
- (3) Parking and loading facilities available on the parcel meet the requirements established under the provisions of the city zoning ordinances.

### **Sec. 16-102. Vehicles to be marked.**

Every vehicle or conveyance used by a person issued a certificate hereunder shall have the name of such person or employer and the number of the license conspicuously displayed thereon. No person may display a license number or purport to display a license number when such number does not match the person's actual, valid, City of Washington license number.

### **Sec. 16-103. Restrictions on use of public streets and City Property.**

- (a) Except as permitted in subsection (b) of this section, it is unlawful for any person, including those licensed hereunder, for the purpose of dispensing or displaying any goods, wares, foodstuffs, or other merchandise or tangible personal property of any nature whatsoever, to erect or place any temporary or permanent stand, cart, wagon, or other structure or vehicle upon any street, alley, sidewalk, or other location owned or maintained by the city.
- (b) Any person licensed hereunder may, if so indicated on the face of such license, conduct licensed operations from a single specific fixed location identified on the face of the license, which location is on property owned or maintained by the city. Conduct of licensed operations from more than one location shall require a separate license and payment of an additional license fee for each such location. No such location shall be within 50 feet of any entrance or exit to any building. All such locations shall be within areas of the city which are zoned C-1, C-2, or C-3 under the city zoning ordinances or, if the permitted location is a street, adjacent to property so zoned. No licensee may conduct licensed operations from any location where such operations would reasonably interfere with the intended or primary use of the public place in question. No license shall be issued for any location on property owned or maintained by the city which is within 300 feet of any location for which a current valid license has been issued. Mobile vendors subject to Division 3 of this article are exempt from this section and subject to the requirements of Division 3 of this Article.

### **Sec. 16-104. Compliance with sign requirements.**

Except as otherwise permitted in this article, no transient merchant, solicitor, or itinerant vendor shall establish or display a sign without first complying with this Code applicable to signs.

### **Sec. 16-105. Fraud and misrepresentation.**

Any licensed transient merchant, solicitor, or itinerant vendor who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether the licensee or through an employee, while engaged in trade or solicitation within the city or who shall broker, sell, or peddle any goods other than those specified

in the application for a license shall be deemed guilty of a violation of this article. It is a violation to misstate or conceal the legal name of the business, the refund policy, or, when a right to cancel disclosure is required by state or federal law, the right to cancel.

## **Sec. 16-106. Manner of Operation**

### *(a) Occupant Notice.*

- (1) No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words “No Trespassing,” “No Peddlers,” “No Solicitors,” or any similar notice indicating that the occupants do not desire to be solicited, unless the occupants have specifically requested such solicitation.
  - (2) The City Clerk is authorized to maintain a list of premises within the city whose owners or tenants have notified the city in writing that they desire not to be solicited (“No Solicitation List”). The city shall provide a copy of the list to all solicitors at time of permit issuance and upon request to anyone for the purpose of religious proselytizing or political canvassing. The copy may be in an electronic format. No solicitor shall solicit at, and no person shall enter upon for the purpose of religious proselytizing or political canvassing, any premises included on the No Solicitation List whether or not such premises displays signage. An owner or tenant may remove a premises from the list by written notice to the City Clerk.
  - (3) *Discontinuance on request.* A solicitor shall immediately and peacefully leave a premises and cease solicitation upon request of any person or occupant.
- (b) *Immediate identification.* Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.
- (c) *Principal approach and entrance only.* Every solicitor shall approach a premises only by the principal approach route, and shall attempt to make contact only at the principal entrance.
- (d) *Display of permit.* Every solicitor shall prominently display his or her permit on the outside of all clothing while soliciting.
- (e) *Impeding traffic prohibited; Public health and safety.* No person shall solicit in any manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place, or in a manner that creates a danger or threat to the public health, safety, or welfare.
- (f) *Fraud or misrepresentation.* No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation.
- (g) *Registration not transferable.* No registration/permit issued pursuant to the provisions of this article shall be transferable.
- (h) *Amplified sound prohibited.* No person may use electronically amplified voice, music, or other sound in connection with solicitation.
- (i) *Signage and advertising devices.* No person may advertise solicitation by carrying or displaying any internally or externally illuminated sign.

## **Sec. 16-107. Restriction on peddling in public.**

No hawker, peddler, transient merchant, or itinerant vendor shall ply his or her vocation on any street, sidewalk, park, parkway, or in any other public place or any public right of way unless his or her certificate of registration specifies that solicitation on public ways is permitted thereunder.

**Sec. 16-108. Violations declared to be nuisances.**

Every violation of any term, provision, condition, restriction, or duty stated in this division or in any registration permit issued pursuant hereto is hereby declared unlawful and constitutes a public nuisance.

**Sec. 16-109. Revocation.**

The police chief or the chief's designee may immediately revoke any registration permit issued under this division upon determining that the solicitor is in violation of any provision of this division or of the solicitation permit, that the solicitor made a false material statement in the application, or that the solicitor otherwise becomes disqualified for the issuance of a solicitation permit under Sec. 16-98. Upon revocation, the police chief or the chief's designee, any police officer, or the City Clerk shall take custody of the permit and provide written notice stating the reason for revocation. Notice shall be served in person, by first-class U.S. mail to the address set forth in the application, or by e-mail if requested by the applicant. The permit becomes null and void upon service of the notice.

**Sec. 16-110. Appeal of denial or revocation.**

Any person aggrieved by the denial or revocation of a registration permit may appeal to the City Administrator by filing a written request for hearing within ten (10) days after receipt of the notice of denial or revocation. The City Administrator shall set a hearing within ten (10) days after receipt of the request and give written notice of the hearing at least five (5) days in advance. At the hearing, the appellant may present evidence and witnesses. Within five (5) days after the close of the hearing, the City Administrator shall render a decision in writing, which may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the denial or revocation. The City Administrator's decision is final unless review is sought pursuant to the Administrative Review Law.

**Sec. 16-111. Change in information.**

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the City Clerk in writing of any change in any material information given in the application.

**Sec. 16-112. Administrative record.**

The City Clerk shall maintain an accurate record of every solicitation permit application received and acted upon, together with all relevant information and materials pertaining thereto. Permit applications shall be numbered as determined by the police chief, and every permit issued pursuant to this division and any renewal thereof shall be identified with the number of the application on which it was issued.

**Sec. 16-113. Penalty.**

- (a) Any person who violates, neglects, or refuses to comply with, or assists in the violation of, any provision of this Chapter, or any order, permit, or notice issued pursuant hereto, shall be punished as provided herein. The city may also seek any remedy available at law or in equity, including abatement of a public nuisance.
- (b) When in this article any act is prohibited or is made or declared to be unlawful or an offense, or when in this article the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this article shall be punished by a fine of not less than \$50.00 and not exceeding \$750.00. A separate offense shall be deemed committed for each day any violation of any provision of this article shall continue.
- (c) Any person who violates the provisions of this article relating to soliciting without a permit or license shall be fined not less than \$50.00 for a first offense, \$75.00 for a second offense, and \$100.00 for a third offense, and not more than \$750.00 for all subsequent offenses. Violations

may be enforced by issuance of a notice to violation for the fine amount enumerated herein, or by issuance of a notice to appear.

- (d) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a permit, the city may hold the inventory, truck, or other personal property of the person until the same obtains a permit to conduct business as a transient merchant or itinerant vendor. If the property has been held by the city for more than 60 days and the person whose property is being held has not obtained a license under this article, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a license under this article, the court may order the city to sell the property. Proceeds of the sale of the property, less reimbursement to the city of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the city.

**Sec. 16-114 - 122. Reserved.**

## **DIVISION 2. REGISTRATION FEES**

**Sec. 16-123. Registration Fees.**

**(A) Hawker, Peddler & Solicitor:**

1. *Fee.* Each hawker, peddler, and solicitor shall pay to the City Clerk the costs of the background check and a daily registration fee pursuant to the City's fee schedule. The charge for the daily fee may be extended for a set period of days and paid at the time of registration but in no event may a certificate of registration be issued for a period greater than sixty (60) days without renewal.
2. *Exemption:* A hawker, peddler, or solicitor who represents an agency or business which maintains a physical location (e.g. office, store or service center) within the corporate limits of the City and non-profit organizations operating within Tazewell, Peoria, or Woodford Counties, in each case being in operation for at least twelve (12) months, shall be exempt from the daily fee.

**(B) Itinerant Vendor and Transient Merchants:** Each itinerant vendor and transient merchant shall pay the City Clerk the costs of the background check and an annual registration fee pursuant to the City's fee schedule.

**(C) Mobile Vendors:** Each mobile vendor shall pay to the City Clerk an application fee and annual fee as provided in the city fee schedule per MV.

**Secs. 16-124—16-164. Reserved.**

## **DIVISION 3. MOBILE VENDORS**

### **Sec. 16-165. License and fee.**

- (a) Any mobile vendor (MV) who would like to operate an MV within the city on public right-of-way (ROW) or public property shall submit an application for a mobile vendor license.
- (b) An application fee as provided in the city fee schedule is required to be submitted for any MV who operates within the city on public ROW or public property. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.
- (c) An annual fee as provided in the city fee schedule per MV shall be paid to the city no later than January 30 each year or, if a new license is being requested, the annual fee shall be paid at the time an application is requested. Existing nonhome occupation businesses in the city shall be exempt from paying this fee if a business desires to also operate an MV within the city limits. The annual fee shall only be required for any MV who operates within the city on public ROW or public property. MVs that are operating either on public ROW or public property during a special event shall be exempt from paying this fee subject to the conditions in section 16-172.

### **Sec. 16-166. Vehicle requirements.**

- (a) An MV shall operate from a self-contained vehicle that possesses proof of vehicle registration. The vehicle shall be kept in good mechanical and structural condition.
- (b) An MVs vehicle shall be enclosed on the top and all sides, with the business name legibly painted on both sides of the vehicle. The presence of a door for public access or a serving window shall not be a violation of this section.
- (c) An MVs vehicle is not a multi-use vehicle. It should not be used for any other purpose other than an MV.
- (d) If the MV wishes to draw from a public power source, it must obtain written consent from the city and pay an appropriate fee, which shall be set by the city in its sole discretion. The city shall designate particular locations where it is acceptable for MVs to draw from a public power source. An MV shall not draw electricity from nonapproved public power sources, such as streetlights. An MV may rely on self-contained electricity. If an MV wishes to draw from an external power source on private property, the MV must gain consent from the property owner.

### **Sec. 16-167. Proximity and location on public right-of-way or public property.**

- (a) An MV operating on a public street must conduct all points of sale on the curbside of the street in city approved public right-of-way or public properties. The city shall make a list and map of approved public right-of-way and public properties available on the city's website and at city hall.
- (b) An MV shall not obstruct access to any sidewalk, street, alley or parking lot. While operating in a location that affects sidewalk traffic, an MV must provide a minimum of five feet of unobstructed sidewalk to allow for pedestrian traffic, including, but not limited to, wheelchairs.
- (c) Any MV operating on public right-of-way within the downtown square must have written permission from any stationary business that it will be parked in front of. An MV is deemed operating in front of a business if any part of the vehicle or any attached power unit or accoutrement

is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.

- (d) No more than six of the available downtown square on-street MV spaces can be occupied at any time as determined by the city administrator or designee.
- (e) An MV may operate and conduct business next to another MV, as long as these actions do not infringe on the MV that was in the area first.
- (f) When operating on public property, tables, tents and chairs designated for customer dining are prohibited, with the exception of tents and tables that are specifically designated for food storage and preservation. On private property, tables, tents and chairs designated for customer dining are permitted with consent of the property owner.
- (g) Freestanding signage, tables, tents and chairs of any kind are strictly prohibited, without any exceptions, if the MV is conducting sales from an on-street parking location.
- (h) All signage and aesthetics promoting the MV must be attached to the vehicle.
- (i) An MV may operate on private property only with written consent from the property owner.

#### **Sec. 16-168. Noise and behavior constraints.**

- (a) The vendor shall not annoy, harass, or call out to patrons in any way that calls attention to the sale of any goods that are being sold from the MV.
- (b) Any form of intimidation or disorderly behavior towards patrons, residents, pedestrians, and/or other vendors is prohibited will not be tolerated and shall be cause for revocation of the MV license.
- (c) An MV shall not play any sort of music or make any announcements that are amplified.

#### **Sec. 16-169. Food inspections and licensing.**

- (a) MVs are strictly prohibited from selling, displaying for sale, gifting, transferring or delivering any type of alcoholic beverages unless in compliance with city and state requirements for such action.
- (b) Beverages may not be served in any glass cup or container.
- (c) An MV shall comply with all health department regulations regarding food handling, food preparation, and food service. Health Department permits must be conspicuously displayed.
- (d) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a valid inspection certification from the county health inspector.
- (e) Every MV that stores, prepares, packages, serves, or vends food directly to the consumer shall have a current food license from the county.

#### **Sec. 16-170. Sanitation and disposal.**

- (a) An MV shall abide by all rules and regulations regarding food safety and disposal set forth by the county health department.
- (b) An MV, at the end of each business day operation, shall remove all items, containers, and debris from the area of operation. The vendor shall collect all litter and garbage incidental to the operation of the vehicle.

- (c) Vendors shall not place the refuse in any public trash container or any drain along the streets or sidewalks.
- (d) An MV shall have a nonabsorbent and washable receptacle for refuse that is adjacent to the MV.

**Sec. 16-171. Service limits and hours of operation.**

- (a) An MV shall not operate between the hours of 12:00 midnight and 7:00 a.m.
- (b) An MV shall not operate a generator in a residential area between the hours of 10:00 p.m. and 7:00 a.m.
- (c) An MV must operate in one location for not less than 30 minutes nor more than six consecutive hours. Site-specific parking regulations shall be enforced.
- (d) An MV must wait two hours before returning to the same location.
- (e) An MV shall not violate any parking regulations and limitations set forth by the city unless granted permission by the city.

**Sec. 16-172. Special events.**

- (a) An MV may operate at a special event upon obtaining an MV license. An MV may operate at up to three events held within the downtown square per year without needing to pay the MV license fee. A single special event shall be considered to be the duration of the time period the event is held and shall not be any longer than three consecutive days.
- (b) Any MV operating on public right-of-way within the downtown square must have written permission from any business that it will be parked in front of. An MV is deemed operating in front of a business if any part of the vehicle or any attached power unit or accoutrement is within an area bounded by the prolongation of the sides of the building from which the business operates, at, or approximately at, right angles to the curb or roadway edge closest to the business and extending to the far side of the proximate roadway.

**Sec. 16-173. Indemnification and insurance on public right-of-way or property.**

- (a) All MVs operating on public ROW or public property shall defend, indemnify and hold harmless the city from and against any all claims, demands, actions, or proceedings, all costs, including attorneys' fees, damages, expenses, or other liability of any nature whatsoever due to personal injury or property damage, including damage to the public property, any of which arises directly or indirectly from or in connection with, in whole or in part, the operations of the MV.
- (b) The MV shall, at the MVs expense, carry and keep in full force and effect an insurance policy with a carrier and in a form satisfactory to the city, which policy or policies shall:
  - (1) Have commercial general liability coverage with the following limits:
 

|                                       |                 |
|---------------------------------------|-----------------|
| a. Each occurrence:                   | \$ 1,000,000.00 |
| b. Damage to rented premises:         | \$ 100,000.00   |
| c. Medical expenses (any one person): | \$ 5,000.00     |
| d. Personal and advertising injury:   | \$ 1,000,000.00 |
| e. General aggregate:                 | \$ 1,000,000.00 |
| f. Products—Comp-op aggregate:        | \$ 1,000,000.00 |

- (2) Have automobile liability coverage, combined single limit (each accident)      \$ 1,000,000.00
- (3) State that the city is an additional insured on the commercial general liability, auto liability and excess liability when required by written contract or agreement regarding activities by or on behalf of the named insured. This insurance is primary insurance and any other insurance maintained by the additional insured shall be excess only and noncontributing with this insurance. A waiver of subrogation applies to the commercial general liability, auto liability, excess liability and workers' compensation/employers' liability in favor of the additional insured. A copy of the 30 days' notification of cancellation endorsement needs to be included with the certificate of insurance naming the city.

**Sec. 16-174. Applicable laws.**

All MVs shall comply with all laws, rules and regulations, including, but not limited to, this Code and state law.