

CHAPTER 7

BUSINESS CODE

ARTICLE I – SOLICITORS

7-1-1 SOLICITATION PROHIBITED.

(A) No person shall engage in commercial solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed "No Commercial Solicitors" or "No Commercial Solicitation". For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon.

(B) No person shall engage in any form of solicitation upon any premises without prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed "No Solicitors" or "No Solicitation". For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or near the main door to any residence located thereon. This provision shall apply to all solicitation including, but not limited to commercial, religious, charitable, non-profit, or political.

7-1-2 COMMERCIAL SOLICITATION PERMIT REQUIRED. It shall be unlawful for

any person to engage in door-to-door commercial solicitation activities within the Village without first obtaining a Door-to-Door Solicitation Permit issued by the Village of Cobden. Unless authorized or permitted pursuant to the terms and provisions of this Chapter, the practice of being in and upon private residential property within the Village by solicitors for the purpose of commercial solicitation, the same is prohibited and is punishable as set forth in this Chapter.

7-1-3 EXEMPTIONS.

(A) Any solicitor previously invited by the owner or occupant of the private residential property is exempt from the prohibitions under Sections 7-1-1 and 7-1-2. Such invitation shall not relieve the commercial solicitor from complying with all other terms and provisions of this Chapter including the requirement to obtain a Door-to-Door Solicitation Permit.

(B) Those persons engaged in non-commercial solicitation as defined herein, are not required to obtain a Door-to-Door Solicitation Permit.

7-1-4 POSSESSION AND DISPLAY OF LICENSE. Every person permitted pursuant

to this Chapter must at all times possess and display their Door-to-Door Solicitation Permit in a conspicuous place while soliciting, and shall produce the same whenever requested to do so by a police officer or other person.

7-1-5 DOOR-TO-DOOR SOLICITATION RESTRICTIONS.

(A) No person will engage in solicitation upon any residential premises after having been asked by the owner or occupant thereof to leave such premises or residence.

(B) There will be no solicitation upon any residential premises, other than upon prior invitation by the occupant, prior to **9:00 A.M.** or after **6:00 P.M.** of any day.

(C) Not more than **two (2)** individuals will engage in solicitation upon any residential premises at the same time for the same goods or merchandise, services, or for religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision will be deemed to have violated such provision.

(D) Every person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, immediately identify himself and truthfully state the purpose of the solicitation.

7-1-6 APPLICATION CONTENTS; FEES.

(A) Each person applying for a Door-to-Door Solicitation Permit shall submit written application on forms provided by the Village with payment of the permit fee to the Village. The applicant shall state upon oath or affirmation that the information contained in the application is truthfully provided to the best of their knowledge and belief.

(B) The applicant shall supply the following information and any such additional information that the Village may include upon the application form:

- (1) Applicant's true and correct name and any former names or aliases;
- (2) Applicant's business address and business telephone number;
- (3) If different from the applicant, the name, address and telephone number of the responsible person or entity;
- (4) The name, address and telephone number of the applicant's immediate supervisor, if any;
- (5) Information regarding the business including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Illinois Secretary of State;
- (6) Proof the applicant or the applicant's company has registered with the Illinois Department of Revenue for payment of sales tax;
- (7) A brief explanation of the nature and duration of the solicitation activity that requires a permit under this Chapter.
- (8) Whether a permit, license or registration in connection with soliciting has ever been revoked by any jurisdiction and an explanation of the circumstances;
- (9) A complete list of all persons to be authorized to solicit under the permit;
- (10) For each person authorized to solicit under a permit, the following information:
 - (a) Name, address, telephone number and date of birth;
 - (b) Proof of identification by submittal of any of the following that bear a photograph of said person:
 - (i) A valid U.S. driver's license or identification card issued by any state;
 - (ii) A valid U.S. uniformed service identification card;
 - (iii) A valid U.S. passport; or
 - (iv) U.S. Citizenship & Immigration Services Green Card
- (11) Any other information determined to be relevant by the administrative official; and
- (12) Permit fees as adopted in the Village schedule of fees.

7-1-7 COMMERCIAL PERMIT HOLDER RESPONSIBILITIES.

(A) Any person seeking to engage in door-to-door commercial solicitation must obtain a Door-to-Door Solicitation Permit from the Village and pay the permit fee as provided in this Chapter before commencing any such solicitation.

(B) All Door-to-Door Solicitation Permits shall be issued in the name of the applicant. Upon issuance of each permit, the Village shall create and maintain a list of all persons authorized to engage in commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:

- (1) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and the provisions of this Chapter;

(2) Ensure that the permit is not transferred to any other business or individual.

(C) The Village shall, within **five (5) business days**, of the Village's receipt of a complete application for a permit under this Chapter, issue such permit, together with a full list of all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the Village determines that the permit application is denied under the criteria stated in **Section 7-1-9**.

7-1-8 PERSONS PROHIBITED. A person shall not be eligible for issuance of a permit nor be authorized under a permit under this Chapter if:

(A) A permit previously issued to such person by the Village under **Section 7-1-7** has been revoked by the Village under **Section 7-1-9**.

7-1-9 DENIAL OR REVOCATION OF A PERMIT. The Village shall deny an application for a permit, refuse to renew a permit or revoke a permit issued under this Chapter if the Village determines that the applicant has:

(A) Made any material misrepresentation or false statement in the application for the permit;

(B) Failed to notify the Village if any person authorized to solicit under the permit, including the applicant, becomes a prohibited person as outlined in **Section 7-1-8** of this Chapter, after the issuance of the permit;

(C) Failed to obtain necessary licenses as required by the Village, including but not limited to a sales and use tax license, or an Occupational Tax license;

(D) Failed to conduct and/or supervise solicitation activities under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Chapter; or

(E) Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

7-1-10 PERMIT FEES. Upon making an application for a permit, the applicant shall pay a license fee which shall be:

(A) For a period of **one (1) day**, the fee shall be **Ten Dollars (\$10.00)** per person per day;

(B) For an annual license, the fee shall be **Twenty Dollars (\$20.00)** per person per year.

7-1-11 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter:

"Commercial Solicitor" shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door commercial solicitation.

"Door-to-Door Commercial Solicitation" shall mean attempting to make personal contact with any person at his residence, without prior invitation by or appointment with the resident, for the primary purpose of:

(A) Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such goods, wares or merchandise, and whether or not he is collecting advance payments for such sales and services;

(B) Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation;

(C) Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good or service that is offered to the resident for the purchase at a location away from the residence or at a future time.

"Door-to-Door Non-Commercial Solicitation" shall mean attempting to make personal contact with any person at his residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

(A) Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c).

(B) Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c).

(C) Personally delivering to the resident a handbill or flyer advertising a future not-for-profit event, activity, good or service.

(D) Distribution of religious tracts and information on behalf of a religious organization;

(E) Door-to-Door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot.

"Door-to-Door Solicitation Permit" shall mean a document issued by the Village authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

"Employer" shall mean any person, company, corporation, business, partnership, organization or any other entity on behalf of whom a person so acting.

"No Commercial Solicitors" or "No Commercial Solicitation" Sign shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating "No Commercial Solicitors" or "No Commercial Solicitation" and applies only to commercial solicitation.

"No Solicitors" or "No Solicitation" Sign shall mean a prominently displayed sign that is exhibited on or near the main entrance to the premises or on or near the main door to any residence, stating "No Solicitors" or "No Solicitation" and applies to all forms of solicitation.

"Non-Commercial Solicitor" shall mean any person, whether as volunteer, owner, agent, consignee or employee, who engages in door-to-door non-commercial solicitation.

"Permit Holder" shall mean any person to whom a permit has been issued under the provisions of this Chapter.

"Public Entity" shall mean the state, county, municipality, school district, special improvement district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

"Residence" shall mean a private residence in the Village, including but not limited to condominium units and apartments, and shall include the yards, grounds or hallways thereof.

7-1-12 VIOLATIONS AND PENALTIES. It is unlawful for any person to violate any of the provisions of this Chapter, and upon conviction thereof shall, if a penalty is not otherwise specified, be punished by a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)**, to which court costs shall be added. In situations found appropriate by the trial court restitution may also be required.

ARTICLE II – PEDDLERS

7-2-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor. (**65 ILCS 5/11-42-5**)

7-2-2 **DEFINITIONS.** Peddle shall mean the selling, bartering, or exchanging or offering for sale, barter, or exchange of any tangible personal property upon or along the streets, highways or public places of the Village, or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken. Peddlers of meat, fruits, vegetables, or other farm products on the State highways and streets are prohibited.

7-2-3 **APPLICATION.** A person desiring a license may obtain the same by making application with the Village Clerk and providing the following information:

- (A) Name and physical description of applicant.
- (B) Permanent home and address and local address if operating from such an address.
- (C) A brief description of the business and of the goods to be sold.
- (D) Name and address of the employer, if any.
- (E) The length of time for which the right to do business is desired.
- (F) Evidence that the agent is acting on behalf of the corporation he represents.
- (G) Statement of the applicant's criminal record other than a traffic record.
- (H) The last **three (3) municipalities** where the applicant has carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities.

7-2-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

7-2-5 **FEES.** The fee for a license issued under this Chapter shall be **Five Dollars (\$5.00)** per person per day, or **Fifty Dollars (\$50.00)** per year. Area produce farmers are not required to pay fees for peddling.

7-2-6 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in peddling as herein defined, prior to **nine o'clock (9:00) A.M.** or after **four o'clock (4:00) P.M.** of any weekday, or at any time on a Sunday or on a state or national holiday.

7-2-7 **FRAUD.** Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employer while acting as a peddler in the Village, or who shall barter, sell, or peddle any goods or merchandise or wares other than those specified in his application for a license shall be fined not less than **Five Dollars (\$5.00)**, nor more than **Two Hundred Dollars (\$200.00)** for each offense; and the Mayor may revoke his license for such an offense.

ARTICLE III – REGISTRATION

7-3-1 REGISTRATION APPLICATIONS. Registration applications shall be made in writing to the Village Clerk in the absence of provisions to the contrary. Each registration application shall necessarily include name of the registrant, name under which business is to be conducted, the present residence addresses of those operating said business, the address of the business to be conducted, nature of business, the zone said business is currently operating; and each registration application shall contain such additional information as may be needed for proper guidance of the Village officials in regulating the businesses located within the Village. **(Ord. No. 132; 09-08-81)**

7-3-2 PERSONS AND BUSINESSES SUBJECT TO REGISTRATION. All persons operating or conducting any home occupational business within the Village limits shall register said business or establishment with the Village Clerk. **(Ord. No. 132; 09-08-81)**

7-3-3 TIME OF REGISTRATION. All businesses herein described shall register with the Village Clerk prior to commencement of their business conduct or activities. The registration shall be renewed upon a change in persons owning and/or operating the business, a change in the name under which the business is to be conducted, a change occurs in the address of the business to be conducted, a change in the nature of that business, or any other substantial changes which may occur in the information as required herein. **(Ord. No. 132; 09-08-81)**

ARTICLE IV – FOOD VENDOR LICENSE

7-4-1 **DEFINITIONS.** “VENDOR” means a person, entity, or business that sells, serves, offers for sale, or gives away prepared food from any motorized, or non-motorized vehicle or trailer.

7-4-2 **VENDOR’S LICENSE REQUIRED.** No vendor, unless located and operating at a festival or special event within the Village limits, shall sell, or offer to the public, or give away, prepared foods that may be consumed either on or off the vendor’s premises, without first applying for and obtaining a local license from the Village.

7-4-3 **FEE FOR VENDOR’S LICENSE.** A vendor shall pay a fee of **One Hundred Fifty Dollars (\$150.00)** per year to obtain a Vendor’s License. The license fee is non-refundable and shall be due and payable along with the vendor’s initial license application or annual renewal. The vendor’s fee will not be pro-rated.

7-4-4 **APPLICATION FOR VENDOR’S LICENSE.** In order to obtain a Vendor’s License from the Village, an applicant must provide the following to the Village:

- (A) **One Hundred Fifty Dollars (\$150.00)** fee, in accord with **Section 7-4-3** of this Article; and
- (B) The permanent address of the owner of the vendor; and
- (C) The proposed address for the location of the vendor; and
- (D) A State sales tax identification number; and
- (E) Proof of public liability insurance, with applicable minimum coverage of **One Million Dollars (\$1,000,000)/Three Million Dollars (\$3,000,000)** per individual/per event; and
- (F) Proof of liability insurance must be submitted each year; and
- (G) Copy of State issued driver’s license or identification card; and
- (H) Completion of a form consenting to and authorizing a background check by the Village Police Department; and
- (I) Any other relevant information that the Village may find reasonably necessary for the acquisition and approval of a vendor’s license.

7-4-5 **ISSUANCE AND NUMBER OF VENDOR’S LICENSES.** The number of Vendor’s Licenses that may be issued by the Village shall not exceed **three (3)**. Licenses shall be issued to the owner of the vendor. Licenses are not transferable and are revocable.

7-4-6 **PRIORITY.** Any vendors doing business with the Village at the time that this Article is adopted shall be given priority in obtaining a license over any vendor that is not operating within the Village at the time this Article is adopted.

7-4-7 **RENEWAL OF VENDOR’S LICENSES.** Any vendor that applies for, and is granted a Vendor’s License shall be given the opportunity to apply for renewal of said license by submitting a renewal application and license fee to the Village prior to **January 1** of the year succeeding the year that said license was issued. If a vendor fails to renew its Vendor’s License by **January 1**, then said License shall have expired, and is available to be issued to any other applicant for a Vendor’s License, pursuant to the terms of this Article.

7-4-8 **HOURS OF OPERATION.** A vendor licensed by the Village pursuant to the terms of this Article shall be limited to operating the vending establishment from **8:00 A.M.** until **12:00 A.M.** daily.

7-4-9 **PUBLIC HEALTH.** For the protection and promotion of public health and sanitation in the Village, all vendors must meet the following requirements to be issued, and maintain a Vendor's License:

- (A) The vendor must have a valid permit from the Illinois Department of Public Health; and
- (B) A copy of the permit issued by the Illinois Department of Public Health must be furnished to the Village when a vendor applies for, or applies for renewal of a Vendor's License; and
- (C) A copy of the valid Illinois Department of Public Health permit must be prominently displayed by the vendor so that it may be viewed by all possible customers of the vendor.

7-4-10 **VENDOR VEHICLE CONDITION AND INSPECTION.** For the protection and promotion of public health, sanitation, and safety, a vendor vehicle, as defined in **Section 7-4-1** of this Article, shall be subject to inspection and approval by the Village. All vendors must meet the following requirements for vendor vehicle conditions to be issued and maintain a Vendor's License:

- (A) Vendor vehicle must have a valid State issued license; and
- (B) Vendor must prominently display a copy of the valid Village Vendor's License so that it may be viewed by all possible customers of the vendor; and
- (C) Vendor vehicle must be equipped with an operational fire extinguisher; and
- (D) All external tanks must be properly secured and maintained.

7-4-11 **PENALTY.** Any person or entity operating as vendor within the Village without a Vendor's License as provided by this Article, shall be fined **Five Hundred Dollars (\$500.00)** for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

7-4-12 **REVOCAION.** For the protection and promotion of public health, sanitation, safety, and general well-being, a Vendor's License issued by the Village is revocable.

(This Article Ord. No. 900)